

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, September 13, 2010

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

5:30 P.M. Opening

1. **Opening of Regular Session**

1a. **Closed Session**

90 min.

7:00 P.M. Regular Session

2. **Opening of Regular Session - Pledge of Allegiance**

5 min.

3. **Announcements**

5 min.

- "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday-Sundays. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- We are pleased to announce that the public is invited to the opening ceremony for our newly renovated **Durham County Memorial Stadium** scheduled on Wednesday, September 15, from 6 – 9 p.m. The location is 2700 N Duke St. near Durham Regional Hospital.
- This month is Alcohol and Drug Addiction Recovery Month. Our Durham Center will sponsor Durham's 5th Annual Recovery Celebration on September 24, 4-7 p.m. at Durham Central Park. For more information, call 560-7833.

4. **Minutes**

- a. July 26, 2010 Regular Session
- b. July 29, 2010 Continued Session
- c. August 23, 2010 Regular Session

5 min.

5. **Family Day 2010 Proclamation**

On Monday, September 27, 2010, American families are encouraged to dine together. Studies demonstrate that children who eat dinner with their family are less likely to use drugs or alcohol. The goal of this national observance "Family Day—A Day to Eat Dinner with Your Children," is to urge families to increase their appreciation of regular family activities, parent-child communication, and the likeliness that parents and children will have dinner together.

5 min.

Chairman Page has been asked to proclaim Monday, September 27, 2010 as "Family Day—A Day to Eat Dinner with Your Children" in Durham County.

Resource Person(s): Rob Robinson and Doug Fuller, The Durham Center

County Manager's Recommendation: The County Manager recommends that Chairman Page proclaim September 27, 2010 as "Family Day—A Day to Eat Dinner with Your Children" and present the Proclamation to representatives of The Durham Center.

6. **Minority Enterprise Development Week Proclamation**

On January 14, 2008, The Board of County Commissioners approved an ordinance to continue the County's Minority/Women Business Enterprise Program. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, it is hereby requested that October 4 through October 8, 2010, be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.

5 min.

Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.

Resource Person(s): Pamela Gales, CLGPO, CCA, Assistant Purchasing Manager

County Manager's Recommendation: The Manager recommends that the Board approve the Proclamation and recognize October 4 through October 8, 2010 as Minority Enterprise Development Week in Durham County.

7. **Recognition of The Durham Center and CJRC for Receiving a 2010 Employee Productivity Award from the NC Association of County Commissioners**

The Board is requested to recognize The Durham Center and the Criminal Justice Resource Center for receiving a 2010 Employee Productivity Award from The NC Association of County Commissioners for their implementation of the Durham Center

5 min.

Access Assessment Team. The Employee Productivity Awards Program recognizes innovative county employees who develop successful productivity improvements in county government.

The Assessment Team conducts independent clinical assessments for uninsured, State- and County-funded Durham County citizens seeking mental health or substance abuse services. Its goal is to rapidly and accurately evaluate and connect individuals to the appropriate services based on clinical need. Since the inception of the Assessment Team in July 2009, The Durham Center has been able to absorb a \$1.4+ million dollar budget reduction without placing any consumer on a waitlist for needed services.

Resource Person(s): Ellen Holliman, Area Director, The Durham Center

County Manager's Recommendation: The Manager recommends that Board recognize The Durham Center and CJRC.

8. **Recognition of Commissioner Brenda A. Howerton for Obtaining "Practitioner" Status from UNC School of Government's Local Elected Leaders Academy**

5 min.

Durham Commissioner Howerton is one of the first class of four county commissioners in the state to achieve Practitioner status in the Local Elected Leaders Academy. LELA has three overall goals: to enhance the capacity of elected officials to lead and govern their boards, councils and communities; to equip elected officials with the knowledge and tools to practice and preserve democracy and representative government; and to prepare elected officials to assume future leadership responsibilities within their communities, associations and throughout the state.

Through LELA, the NCACC and School of Government have established for individual county commissioners a three-level recognition program, which will help the Association achieve one of its strategic goals, "strengthen county leadership and board development." County commissioners began earning credits toward achieving official recognition for their commitment to lifelong learning with the kickoff of the December 2008 Essentials of County Government program. Practitioner is the first level of recognition, followed by Master and then Mentor.

Commissioner Howerton was presented the certification during the NCACC annual conference held in Greenville, NC last month.

Resource Person: Michael D. Page, Chair

County Manager's Recommendation: The County Manager recommends that the entire Board extend congratulations to Commissioner Howerton for her noteworthy achievement.

9. **Consent Agenda**

20 min.

- a. Approve Budget Ordinance Amendment No. 11BCC000003 – Cooperative Extension Recognition of Continuation Grant Funding for Strengthening Families 10-14

- Program from a State of North Carolina Grant Award administered by Durham County Health Department to Support the Strengthening Families Program: For Parents and Youth Age 10-14 (\$25,030.00);
- b. Approve Budget Ordinance Amendment 11BCC000004 – Office of the Sheriff and City of Durham Police Department Acceptance of 2010 Edward Byrne Memorial Justice Grant (JAG) - \$91,626 each;
 - c. Approve Budget Ordinance Amendment No. 11BCC000005 – Durham County Library to recognize revenue from South Arts for Humanities programming (\$2,000);
 - d. Approve Budget Ordinance Amendment No. 11BCC000006 for the Department of Social Services to recognize Family Violence Prevention and Services Act Revenue (\$4,074.00);
 - e. Approve Budget Ordinance Amendment No. 11BCC000007 for the Department of Social Services to recognize grant funds from Triangle United Way for Direct Medical (\$19,614);
 - f. Approve Budget Ordinance Amendment No. 11BCC000008 for the Department of Social Services to recognize Supplemental Nutrition Assistance Program (SNAP) Contingency funds (\$236,314);
 - g. Approve Budget Ordinance Amendment No. 11BCC000009 – Reallocation of Sheriff's Office LEO Officer to Durham Public Schools as a School Resource Officer with additional funding support from Durham Public Schools (\$47,739), and a corresponding change in the Interlocal Agreement relating to this position change;
 - h. Approve Budget Ordinance Amendment No. 11BCC000010 – Sheriff's Office Designation and Appropriation of Inmate Funds to Support Inmate Welfare (\$351,744);
 - i. Approve the contracts for the purchase of clinical casework and furniture from the U.S. Communities Buying Program for Phase I and II of the Durham County Human Services Project No: DC070;
 - j. Award the contracts for the purchase of furniture for Phase I of the Durham County Human Services Project No: DC070, Bid No: IFB 11-002;
 - k. Execute the Security System Installation Contract for the New Durham County Human Services Project No.: DC070, IFB No: 10-027;
 - l. Execute the Heery International Consulting Services Agreement for the Moving Consulting Services for the Durham County Human Services Building Project No.: DC070: RFP No. 10-031;
 - m. Execute the Engineering Design Service Contract with Edmondson Engineers, PA for the Fiber Optic Network Infrastructure Project. Project No.: DC134;
 - n. Approve the Single Family Rehabilitation Grant Assistance Policy and Procurement & Disbursement Policy;
 - o. Adopt the revisions to Audit Oversight Committee By-Laws;
 - p. Accept the Liability Claims and Subrogation Recovery Report for FY 09-10;
 - q. Approve the Amendment to the Radio Interlocal Agreement with the City of Durham;
 - r. Authorize the County Manager to amend an Engineering Services Contract with Sud Associates for the Design Development and Construction Documents for the Replacement of the Administrative Complex Chiller to Secure ARRA Grant Funding for Energy Efficiency Upgrades.

10. Discussion of Items for 2011 NCACC Legislative Agenda

20 min.

Following the Board's discussion and direction from the August 23rd meeting, we have developed the items submitted and await approval so that we can meet the NCACC deadline of September 15th.

Every other year, the North Carolina Association of County Commissioners (NCACC) prepares a package of legislative goals that the Association's lobbying team and elected officials pursue before the General Assembly. Each county may submit proposed goals to the Association through one of the Association's seven steering committees, who review the proposals and recommend their choices to the Legislative Goals Committee.

The seven committees are: Agriculture, Human Services, Taxation and Finance, Environment, Public Education, Justice and Public Safety and Intergovernmental Relations (a catchall for issues that don't fit elsewhere).

The Legislative Goals Committee typically meets 3-4 times during the fall before the long session to discuss the proposed goals. The committee discusses the items and recommends a slate of goals to the Board of Directors. The Board of Directors then fine-tunes the package and distributes it to all the counties. County commissioners from across the state convene at the Legislative Goals Conference in January to discuss and vote on the goals package.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager; Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board approve the list of possible legislative issues of statewide concern and forward to NCACC.

11. Public Hearing - Text Amendment to the Unified Development Ordinance (UDO) – Nonconforming Off-Premise Signs (Billboards) (TC1000002)

120 min.

The Board is requested to receive public comments on Text Change – Nonconforming Off-Premise Signs (Billboards) (TC1000002) and to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 11, Sign Standards. *This item was continued by the County Commissioners at their August 9, 2010 meeting.*

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Keith Luck, AICP, Assistant Planning Director; T.E. Austin, AICP, Planning Supervisor; Julia Mullen, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

12. Public Hearing to Consider Allocating Economic Development Investment Funds to Cree

20 min.

The Board is requested to hold a public hearing to consider allocating economic development investment funds to Cree, a leading developer and manufacturer of LED lighting, and semiconductor solutions for wireless and power applications. Cree's products are used in backlighting for electronics and vehicles, general illumination, electronic signs and signals, variable speed motors and wireless communications. The company is dedicated to designing and producing products which are energy efficient and environmentally friendly.

Cree, a homegrown Durham company since 1987, operates in a highly competitive global market driven by rapidly changing technology, short product life and a competitive pricing environment. Currently Cree is evaluating a substantial investment in a new production line to launch a new generation LED chip. Cree is considering several locations for the project, including China, Malaysia, and Durham. The capital investment for this project is expected to be approximately \$392 million, with \$135 million dedicated to machinery for the new production line. Cree would also create 244 new jobs in Durham by the end of 2013 to operate the production center. Company officials have stated that incentives from the local government are a key consideration in its final decision on locating the expansion, particularly in light of the cost of labor in the overseas market.

Staff is recommending that the county participate in this economic development project by providing up to two million (\$2,000,000.00) for the \$392 million project. Eight hundred and twenty five thousand (\$825,000) of those funds would be reserved to pay for training expenses of new employees hired who are Durham residents. Funds would be furnished over a seven year period through an economic development incentive fund performance contract.

This public hearing was advertised on Friday, September 3, 2010 as required by law.

Resource Person: Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing, and based upon the information received; approve entering into an economic development incentive contract between the County of Durham and Cree in the maximum amount of \$2,000,000.

13. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA

20 min.

5 hrs. 30 min.



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COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Closed Session

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

Resource Person(s): Carolyn Titus, Deputy County Manager

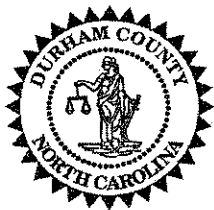
County Manager's Recommendation: The County Manager recommends that the Board adjourn to closed session and provide directives as appropriate.

County Manager: _____

Richard M. Reppin

- () Approved
() Denied

	Motion	Yes	No
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____



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COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Proclaim September 27 "Family Day-A Day to Eat Dinner with your Children"

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

On Monday, September 27, 2010, American families are encouraged to dine together. Studies demonstrate that children who eat dinner with their family are less likely to use drugs or alcohol. The goal of this national observance "Family Day—A Day to Eat Dinner with Your Children," is to urge families to increase their appreciation of regular family activities, parent-child communication, and the likeliness that parents and children will have dinner together.

Chairman Page has been asked to proclaim Monday, September 27, 2010 as "Family Day—A Day to Eat Dinner with Your Children" in Durham County.

RESOURCE PERSON(S): Rob Robinson and Doug Fuller, The Durham Center

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that Chairman Page proclaim September 27, 2010 as "Family Day—A Day to Eat Dinner with Your Children" and present the Proclamation to representatives of The Durham Center.

County Manager: _____

Richard M. Reppin

- () Approved
() Denied

	Motion	Yes	No
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

PROCLAMATION
Durham County Board of Commissioners
Durham County, North Carolina

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the wellbeing of America's children;

WHEREAS, 15 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink, and use illegal drugs;

WHEREAS, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use, and prescription drug abuse;

WHEREAS, the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented;

WHEREAS, parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

WHEREAS, family dinners have long constituted a substantial pillar of family life in America:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim September 27, 2010 as

Family Day—A Day to Eat Dinner with Your ChildrenTM

in Durham. I encourage all Durham County officials, employees, and citizens to work to recognize and participate in its observance.

This the 13th day of September, 2010.

Michael D. Page, Chairman



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COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Proclamation to Recognize Minority Enterprise Development Week October 4 – October 8, 2010

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

On January 14, 2008, The Board of County Commissioners approved an ordinance to continue the County's Minority/Women Business Enterprise Program. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, it is hereby requested that October 4 through October 8, 2010, be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.

Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.

RESOURCE PERSON(S): Pamela Gales, CLGPO, CCA, Assistant Purchasing Manager

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board approve the Proclamation and recognize October 4 through October 8, 2010 as Minority Enterprise Development Week in Durham County.

County Manager: Richard M. Ruffin

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

PROCLAMATION
Durham County Board of Commissioners
Durham County, North Carolina

WHEREAS, it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

WHEREAS, the Durham County Minority and Women Enterprise Ordinance Section 8-132 provides minorities and women equal opportunity to participate in all aspects of the County's contracting program, including, but not limited to, employment, construction projects, and/or materials and service contracts, consistent with the law;

WHEREAS, North Carolina General Statute § 143-128, provides for "good faith efforts" to be made in an effort to ensure fair participation of minority and women business owners in all County projects;

WHEREAS, it is further the policy of the County to conduct its contracting programs so as to prevent such discrimination, correct present discrimination, and to resolve claims of such discrimination;

WHEREAS, the County of Durham is a sponsor of the Minority Enterprise Development Week:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim that October 4 – October 8, 2010 be recognized as

MINORITY ENTERPRISE DEVELOPMENT WEEK.

This the 13th day of September, 2010.

Michael D. Page, Chairman



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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Recognition of The Durham Center and CJRC for Receiving a 2010 Employee Productivity Award from The NC Association of County Commissioners

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is requested to recognize The Durham Center and the Criminal Justice Resource Center for receiving a 2010 Employee Productivity Award from The NC Association of County Commissioners for their implementation of the Durham Center Access Assessment Team. The Employee Productivity Awards Program recognizes innovative county employees who develop successful productivity improvements in county government.

The Assessment Team conducts independent clinical assessments for uninsured, State- and County-funded Durham County citizens seeking mental health or substance abuse services. Its goal is to rapidly and accurately evaluate and connect individuals to the appropriate services based on clinical need. Since the inception of the Assessment Team in July 2009, The Durham Center has been able to absorb a \$1.4+ million dollar budget reduction without placing any consumer on a waitlist for needed services.

RESOURCE PERSON(S): Ellen Holliman, Area Director, The Durham Center

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that The Durham Center and CJRC be recognized accordingly.

County Manager: *Richard M. Reppin*

- () Approved
() Denied

	Motion	Yes	No
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Reckhow	_____	_____	_____
Page	_____	_____	_____



For Immediate Release

August 18, 2010

Contact: Doug Fuller, Director of Communications
dougf@co.durham.nc.us or 919-560-7206

Assessment Team Wins Productivity Award

(Durham, NC) – The Durham Center Access Assessment Team has been recognized with a 2010 Employee Productivity Award by the North Carolina Association of County Commissioners.

The Employee Productivity Awards Program recognizes innovative county employees who develop successful productivity improvements in county government. To date, more than 1,400 applications have been submitted representing \$105 million in savings or cost avoidance to counties.

The Assessment Team was developed by The Durham Center and the Durham County Criminal Justice Resource Center to conduct independent clinical assessments for uninsured, State- and County-funded Durham County citizens seeking mental health or substance abuse services. Its goal is to rapidly and accurately evaluate and connect individuals to the appropriate services based on clinical need.

The Assessment Team is an independent entity which offers no services other than assessments and short-term case management. It is housed at Durham Center Access, Durham County's 24/7 behavioral health crisis facility, a location familiar to the Durham community and conveniently located on public bus lines and adjacent to Durham Regional Hospital.

Since the inception of the Assessment Team in July 2009, The Durham Center has been able to absorb a \$1.4+ million dollar budget reduction without placing any consumer on a waitlist for needed services, and to reallocate funds to providing more intensive services for individuals with severe and chronic mental health and substance abuse disabilities. Traditionally, these disabilities have resulted in homelessness, criminal justice involvement, unemployment, and intense use of high-cost local emergency departments and State hospitals. Overall cost savings to the entire system in Durham County, including hospital emergency departments and court and jail systems, is assumed to be even greater.

-more-

“The Assessment Team is an example of how innovative collaboration between local agencies can allow us to more effectively serve the citizens of Durham County with the greatest need in an efficient, clinically-sound manner,” said Ellen S. Holliman, Area Director of The Durham Center.

“Mental illnesses and substance use disorders have a very significant impact on Durham’s criminal justice system,” said Gudrun Parmer, Director of the Durham County Criminal Justice Resource Center. “The Assessment Team helps us ensure that more court-involved individuals have access to the behavioral healthcare they need.”

The Assessment Team will be recognized and honored at the North Carolina Association of County Commissioners Annual Conference on August 27 in Greenville.

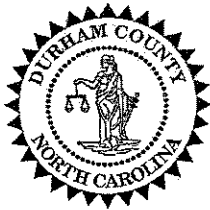
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About The Durham Center

The Durham Center is a Local Management Entity (LME) for mental health, developmental disability and substance abuse services in Durham County. When the State of North Carolina began implementing its system reform in these fields in 2001, local area programs like The Durham Center became managers instead of providers of care. The Center is responsible for managing finances, service authorizations, contracts with direct service providers, service quality and regulatory standards and developing a comprehensive array of services.

The Durham Center’s directive is to ensure that local citizens who seek help for mental illness, developmental disabilities and substance abuse receive the quality services and supports for which they are eligible to achieve their goals and to live as independently as possible. The Center contracts with over 200 area service providers and operates Durham Center Access, a 24/7 emergency response system designed to provide immediate access to mental health, developmental disabilities and substance abuse services to children and adults in Durham County.

The Durham Center is a key partner in Durham System of Care.



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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Recognition of Commissioner Brenda A. Howerton for obtaining "Practitioner" Status from UNC School of Government's Local Elected Leader Academy

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

Durham Commissioner Howerton is one of the first class of four county commissioners in the state to achieve Practitioner status in the Local Elected Leaders Academy. LELA has three overall goals: to enhance the capacity of elected officials to lead and govern their boards, councils and communities; to equip elected officials with the knowledge and tools to practice and preserve democracy and representative government; and to prepare elected officials to assume future leadership responsibilities within their communities, associations and throughout the state.

Through LELA, the NCACC and School of Government have established for individual county commissioners a three-level recognition program, which will help the Association achieve one of its strategic goals, "strengthen county leadership and board development." County commissioners began earning credits toward achieving official recognition for their commitment to lifelong learning with the kickoff of the December 2008 Essentials of County Government program. Practitioner is the first level of recognition, followed by Master and then Mentor.

Commissioner Howerton was presented the certification during the NCACC annual conference held in Greenville, NC last month.

RESOURCE PERSON: Michael D. Page, Chair

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the entire Board extend congratulations to Commissioner Howerton for her noteworthy achievement.

County Manager: Richard M. Reppin

() Approved
() Denied

	Motion	Yes	No
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

Brenda A. Howerton

County Commissioner, Durham County

is recognized as a

Practitioner

by the

LOCAL ELECTED LEADERS

Academy

August 28, 2010

School of Government at UNC-Chapel Hill
North Carolina Association of County Commissioners
North Carolina League of Municipalities

Michael R. Smith

Michael R. Smith, Dean
School of Government, UNC-Chapel Hill

David F. Thompson

David F. Thompson, Executive Director
North Carolina Association of County Commissioners



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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Budget Ordinance Amendment No. 11BCC000003 – Cooperative Extension Recognition of Continuation Grant Funding for Strengthening Families 10-14 Program From a State of North Carolina Grant Award Administered by Durham County Health Department to Support the Strengthening Families Program: For Parents And Youth Age 10-14 (SFP 10-14) (\$25,030).

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

Cooperative Extension requests approval of a Budget Ordinance Amendment No. 11BCC000003 to recognize a total of \$26,030 in continuation grant funding from the Durham County Health Department to support Durham Cooperative Extension's Strengthening Families SFP 10-14 Program for a second year.

These funds will be used for multiple sessions of the nationally recognized, evidence-based program, Strengthening Families Program for Parents & Youth 10-14 (SFP 10-14). SFP 10-14 is a parent, youth, and family skills-building curriculum designed to: Prevent teen substance abuse and other behavior problems; Strengthen parenting skills; and Build family strengths. The program is delivered in community sites, including Cooperative Extension and Holton Center, with seven sessions for parents, youth, and families using realistic videos, role-playing, discussions, learning games, and family projects. SFP 10-14 has been proven effective in delaying the onset of adolescent substance use, lowering levels of aggression, increasing the resistance to peer pressure in youth, and increasing the ability of parents/caregivers to set appropriate limits and show affection to and support of their children. This training helps to meet a community demand for parenting-focused programming in the early teen years that build the capacity for life skills in youth along with healthy family functioning.

Grant funds will be used to provide support for training elements including facilitators, food, and childcare for siblings, incentives for participants, supplies and travel through the grant term ending May 30, 2010.

Expenditures:

Misc. Contracts	\$9,530
(Trainers, Childcare, Transportation)	
Misc. Supplies	\$2,100
Food & Provisions	\$5,075
Travel	\$750
Postage	\$75
Training	\$8,500

Total	\$26,030
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RESOURCE PERSONS: Delphine A. Sellars, County Extension Director, and Donna Rewalt, Outreach Coordinator

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board approve Budget Ordinance Amendment No. 11BCC000003 to appropriate \$26,030 in grant funding from a State of North Carolina Grant Award administered by the Durham County Health Department to support Durham Cooperative Extension's Strengthening Families Program through May 30, 2010.

County Manager: *Richard M. Reppin*

	Motion	Yes	No
() Approved			
() Denied			
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue			
Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Intergovernmental	\$71,632,728	\$26,030	\$71,658,758

Expenditures			
Function	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Economic and Physical Development	\$5,274,466	\$26,030	\$5,300,496

All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010



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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

**ITEM: Budget Ordinance Amendment 11BCC000004 - Sheriff's Office Acceptance of
2010 Edward Byrne Memorial Justice Grant (JAG)**

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

Durham County and Durham City have been jointly awarded the 2010 Edward Byrne Memorial Justice Grant (JAG). JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to support a broad range of activities to prevent and control crime based on their own local needs and conditions. The 2010 JAG application was presented to the County Manager and the Board of County Commissioners on May 28, 2010 via e-mail. An additional Federal requirement was to provide assurance the application was made public and an opportunity to comment was provided to citizens and to neighborhood or community organizations. Public notice was posted on the Durham County Sheriff's Office and Durham Police Department websites June 7, 2010 – June 20, 2010 and in the Herald Sun newspaper on Sunday June 6th and June 13th. Approval was received to submit the application and authorization to proceed with the Interlocal Agreement which appoints the Sheriff's Office as fiscal agent for joint funds and agrees to fifty-fifty split of the funds with the City.

The Sheriff's Office funds will be used to support technology infrastructure, munitions storage and the Great program. The Police Department's funds will be used to support an assistant attorney in the District Attorney's office, and confidential informant funds. No additional funding is required. The total award is \$183,252 to be budgeted in the FY 2010-11 budget; the Sheriff's Office and Police Department will each receive \$91,626 from the grant award.

RESOURCE PERSONS: Kim Cook, Comptroller, Durham County Sheriff's Office; Kisha Etheridge and Steve Mihaich, Durham City Police Department

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board congratulate the Sheriff's Office and the Durham Police Department on receiving another grant award to support local law enforcement, criminal justice system and community activities; and approve Budget Ordinance Amendment 11BCC000004 accepting the \$183,252 JAG award to be shared equally with the Durham Police Department.

County Manager: _____

Richard M. Reppin

() Approved
() Denied

	Motion	Yes	No
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue			
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Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Intergovernmental	\$71,658,758	\$183,252	\$71,842,010

Expenditures			
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Function	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Public Safety	\$43,087,925	\$183,252	\$43,271,177

All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010

TO: Mike Ruffin, County Manger

FROM: Worth L. Hill, Sheriff

RE: **2010 Justice Assistance Grant Solicitation**

DATE: May 28, 2010

The US Department of Justice, Office of Justice Programs, Bureau of Justice has issued the 2010 local solicitation for the Justice Assistance Grant (JAG). JAG is a formula driven grant that can be spent over a four year period to support the following purpose areas: law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, planning, evaluation and technology improvement programs. Funds can be used for technical assistance, training, personnel, equipment, supplies, contractual support and information systems. Federal regulations stipulate that eligible units of local government intending to apply for the 2010 JAG award must make the Governing Body aware of its intent not fewer than 30 days before the application is submitted to the Bureau of Justice Assistance (BJA). The application must be submitted to the BJA by June 30, 2010 and this memo serves as the required notification.

Since our jurisdiction has been declared as "disparate" by the Director of the BJA, we will be submitting a joint application with the City. The Sheriff's Office will serve as the lead agency in this partnership and will complete the on-line registration and application process and act as the Fiscal Agent for this funding. The amount of funding available totals \$183,252 and must be shared by the City and County. An Interlocal Agreement agreeing to a 50/50 split will be signed by the County and by the City. No match is required. The Sheriff's Office proposes to use their share of funds (\$91,626) to support technology infrastructure, munitions storage and the GREAT program. The City of Durham has proposed to use their funds to support an Assistant District Attorney position and confidential informant funds. Program and budget narratives are included for additional information.

An additional Federal requirement is that the unit of local government must provide an assurance that the application was made public and an opportunity to comment was provided to citizens and to neighborhood or community organizations to the extent applicable that law or established procedure makes such an opportunity available. This requirement can technically be met by the Fiscal Agent (the County) making an announcement sufficiently broad enough for all jurisdictions to submit comments. Common forms of public notification include web site and newspaper posting. Public notice will be posted on the Durham County Sheriff's Office and Durham Police Department's public websites June 7, 2010 – June 20, 2010 and in the Herald Sun newspaper on Sunday, June 6th and June 13th 2010. Interested residents may request a copy of the application and provide comment prior to application submission.

We would appreciate any input you may have on this grant opportunity. Questions or comments can be forwarded to Teresa Crabtree at 560-0873 or tcrabtree@durhamsheriff.org.

Cc Michael Page, BOCC Chairman
Ellen Reckhow, BOCC
Becky Heron, BOCC
Joe Bowser, BOCC
Brenda Howerton, BOCC

PROGRAM NARRATIVE
Attachment 1

County

Technology/Equipment – Funds will be used to support technology improvements to include Netmotion software, increased agency bandwidth and power inverters that will enhance agency communications and access to web based resources. Funds will also be used to support secured munitions storage. Military demands have resulted in a 9-12 month backorder on agency munitions prompting heightened storage concerns. This equipment will enable us to remain in the forefront as well as enhance our ability to protect and serve in areas of concern in our community.

GREAT – Funds will be used to support the delivery of the nationally recognized Gang Resistance Education and Training (GREAT) program within Durham Public middle schools. Incentive items and general operational supplies will serve to reinforce the 13 week life skills training program.

City

District Attorney's Prosecution Program - Funds will be used to support the salary, fringe benefits and operating costs of one assistant district attorney to work with local, state and federal law enforcement agencies to expedite resolution and prosecution efforts.

Special Operations Division Informant Fund – Funds will be used to supplement the Police Department's Special Operation's Division (SOD) informant fund. Continued efforts by SOD to increase the number of drug raids, knock and talks, arrests, and illegal narcotics seizures are supportive of the Department's goal to reduce violent crime and gang violence throughout the city. The Police Department's SOD is still using these funds to achieve this goal.

The Durham County Sheriff's Office and the Durham Police Department have agreed to split the 2010 JAG funds 50/50 to support the aforementioned programs. Each agency will receive \$91,626 out of \$183,252.00. Both agencies agree to report on all applicable JAG programmatic measures.

The Comptroller of the Durham County Sheriff's Office will serve as the fiscal agent for the 2010 JAG award and is prepared to track and report all JAG drawdowns and grant expenditures separately from other funding sources to ensure accurate financial and programmatic reporting on a timely basis. Financial internal controls include adherence to recognized accounting practices and use of the Durham County integrated financial reporting software. The funding for this grant will be maintained in separate accounting lines that are independent from the Sheriff's Office operating budget within the Grant Module portion of the Durham County SAP Financial System. This enables the funds to be monitored and tracked individually from all other funds. The Durham County Compliance Manager confirms proper set up of all grant funding. The 2010 JAG award will be reviewed on a monthly basis to ensure all drawdowns are accurate and consistent with expenditures in the grant module.

BUDGET NARRATIVE
Attachment 2

County

Technology/Equipment – Funds will be used to support technology improvements to include Netmotion software, increased agency bandwidth and power inverters that will enhance agency communications and access to web based resources. Funds will also be used to support secured munitions storage. Military demands have resulted in a 9-12 month backorder on agency munitions prompting heightened storage concerns. This equipment will enable us to remain in the forefront as well as enhance our ability to protect and serve in areas of concern in our community.

Purpose: Law Enforcement Programs

Funding: \$83,000.00

GREAT – Funds will be used to support the delivery of the nationally recognized Gang Resistance Education and Training (GREAT) program within Durham Public middle schools. Incentive items and general operational supplies will serve to reinforce the 13 week life skills training program.

Purpose: Prevention and Education Programs

Funding: \$8,626.00

City

District Attorney's Prosecution Program - Funds will be used to support the salary (\$45,155), fringe benefits (\$14,650) and operating costs (\$5,872) of one assistant district attorney to work with local, state and federal law enforcement agencies to expedite resolution and prosecution efforts. The term of the contract will be from 11/01/2010 through 10/31/2011 or until such time as all grant funds are expended \$65,677.00.

Purpose: Prosecution and Court Programs

Funding: \$ 65,677.00

Special Operations Division Informant Fund – Funds will be used to supplement the Police Department's Special Operation's Division (SOD) informant fund. Continued efforts by SOD to increase the number of drug raids, knock and talks, arrests, and illegal narcotics seizures are supportive of the Department's goal to reduce violent crime and gang violence throughout the city. The Police Department's SOD is still using these funds to achieve this goal.

Purpose: Law Enforcement Programs

Funding: \$25,949.00

Budget Detail

A. Personnel **\$ 0.00**

B. Fringe Benefits **\$ 0.00**

C. Travel **\$ 0.00**

D. Equipment **\$ 15,000.00**

Ammunition storage magazine 1 magazine X \$15,000.00 = \$15,000.00

Note: Procurement will be through Durham County bid procedure and/or quote gathering, requisition and purchase order policies.

E. Supplies **\$ 24,626.00**

General operational supplies and incentive items for participating students to support GREAT program delivery within Durham Public middle schools. **\$ 8,626.00**

Power inverters that can be hardwired to agency fleet vehicles to address safety and equipment concerns currently experienced with cigarette lighter adapters.
160 inverters X \$100 each = \$16,000.00

F. Construction **\$ 0.00**

G. Consultants/Contracts **\$ 65,677.00**

JAG funds will be used to support the salary (\$45,155) benefits (\$14,650- FICA 7.65%, Retirement 12.61% & Health \$5,500) and operating costs (\$5,872) of one full-time State contracted assistant district attorney to work with local, state and federal law enforcement agencies to expedite resolution and prosecution efforts. Term of contract will be from 11/01/10 – 10/31/11 or until all contract funds are expended.

H. Other Costs **\$ 77,949.00**

JAG funds will be used to supplement the Police Department's Special Operations Division informant fund. The informant fund is used to pay confidential informants for information relating to illegal narcotics crimes. It is also used to purchase illegal narcotics for the purpose of developing probable cause for search warrants. **\$25,949.00**

Netmotion software to support system connection stability for law enforcement mobile devices **\$40,000.00**

18.45mb of additional agency bandwidth to support agency access to web based resources and data sharing initiatives. **\$1000/month X 12 months = \$12,000.00**

I. Indirect Costs **\$ 0.00**

Budget Summary

A. Personnel	\$	0.00
B. Fringe Benefits	\$	0.00
C. Travel	\$	0.00
D. Equipment	\$	15,000.00
E. Supplies	\$	24,626.00
F. Construction		Unallowable
G. Consultants/Contracts	\$	65,677.00
H. Other	\$	77,949.00
Total Direct Costs	\$	183,252.00
I. Indirect Costs	\$	0.00
TOTAL PROJECT COSTS	\$	183,252.00
Federal Request	\$	183,252.00
Non-Federal Amount	\$	0.00



9c

**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS**

Agenda Action Form

**ITEM: Budget Ordinance Amendment No. 11BCC000005—Durham County Library --
Recognize Revenue From South Arts in the Amount of \$2,000 for Humanities
Programming**

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Durham County Library requests approval of a Budget Ordinance Amendment No. 11BCC000005 to recognize a \$2,000 grant from South Arts. This grant was awarded to support the engagement of writer, novelist and essayist Dolen Perkins-Valdez for a three-day residency in Durham from Feb. 4 to 6, 2011. Perkins-Valdez will give a public reading at Hayti Heritage Center, a lunch with local writers, a creative writing workshop for high school students and a workshop on historic research for students at a local HBCU. Durham County Library Humanities Programs support the library's mission to provide to entire community books, services and other resources which inform, inspire learning, cultivate understanding and excite the imagination.

Please note that this amendment requires no additional county funds, as the remaining costs of the project will be covered in the existing 2010-2011 budget.

RESOURCE PERSON(S): Priscilla Lewis, Interim Library Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 11BCC000005 recognizing a \$2,000 grant from South Arts for Durham County Library.

County Manager: _____

Richard M. Rappin

- () Approved
() Denied

	Motion	Yes	No
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue

Category	Current Budget	Increase/Decrease	Revised Budget
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GENERAL FUND

Intergovernmental	\$71,842,010	\$2,000	\$71,844,010
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Expenditures

Function	Current Budget	Increase/Decrease	Revised Budget
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GENERAL FUND

Cultural and Recreation	\$10,942,901	\$2,000	\$10,944,901
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All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010

Bush, Anastasia

From: Fragola, Marian G.
Sent: Thursday, July 08, 2010 3:56 PM
To: Bush, Anastasia
Subject: FW: South Arts Literary Arts Notification

From: Nikki Estes [mailto:nikkie@southarts.org]
Sent: Monday, June 28, 2010 1:49 PM
To: Fragola, Marian G.
Subject: South Arts Literary Arts Notification



June 28, 2010

Marian Fragola
Durham County
Durham County Library
300 N. Roxboro St.
Durham, NC 277013414

RE: Grant # 3712 / Fiscal Year 2011

Dear Marian,

Congratulations! On behalf of the South Arts Board of Directors and staff, I am pleased to inform you that **Durham County** has been awarded a **Literary Arts Touring** grant in the amount of **\$2,000.00** to support the engagement of **Dolen Perkins-Valdez** for the public reading(s) and educational component during the period of **2/4/2011** through **2/6/2011**.

GRANT TERMS AND CONDITIONS

By submitting your grant application, you agreed to comply with the Grant Terms and Conditions. Your application submission and acceptance of this grant award now serve as an agreement, a legally binding contract, between Durham County and South Arts. We encourage you to revisit the terms to ensure your compliance. NOTE: There is no contract to sign and return.

INSTRUCTIONS FOR GRANT COMPLIANCE

Please carefully read and follow the instructions for 2010-2011 grantees in the "Manage Your Grant" section of our Web site. If you do not comply as specified, your organization could risk losing grant funding and future funding eligibility. If you have any questions or need to make changes to your engagement, please contact Nikki Estes, Program Director, at 404-874-7244 ext. 16 or nestes@southarts.org.

Again, congratulations on your grant award!

Gerri Combs
Executive Director

1800 PEACHTREE STREET NW . SUITE 808 | ATLANTA . GEORGIA 30309
PHONE 404.874.7244 | FAX 404.873.2148 | EMAIL SOUTHARTS@SOUTHARTS.ORG

Supplementary Materials Checklist

INCLUDE A COPY OF THIS PAGE WITH YOUR MAILED SUPPLEMENTARY MATERIALS

Grant Type: Literary Arts - 5/17/2010 Deadline

Application #: 107882

Artist/Company: Dolen Perkins-Valdez

Durham County
300 N. Roxboro St.

Durham County Library

Durham

NC 277013414

Marian Fragola

919-560-0268

mfragola@durhamcountync.gov

Check Materials That Are Enclosed:

- ☒ Artist Work Sample (CD or DVD for performing artists; writing sample for literary artists) – 1 copy
- ☒ Artist promotional/printed materials
 - ☐ 4 copies for Regional Touring
 - ☐ 10 copies for Regional Touring: Block-Booked Tours
 - ☒ 1 copy for Literary Arts Projects
 - ☐ 1 copy for Southern Fast Track Touring
- ☐ Self-addressed, stamped envelope for return of support materials (optional)
- ☒ Self-addressed, stamped postcard for acknowledgement of SAF's receipt of these supplementary materials (optional)

Mail Materials To:

Southern Arts Federation
ATTN: Grants Program
1800 Peachtree Street, NW
Suite 808
Atlanta, GA 30309

This package must be postmarked by the same deadline date as your online application. Applicants should request a legibly dated US Postal Service postmark (from a federal postal service center) or receipt from a commercial carrier. **Privately metered postmarks will NOT be accepted as proof of timely mailing (please do NOT risk ineligibility – make a visit to your local post office!).** Note: An application will NOT be processed until both the online eGrant application and required Supplementary Materials are received by the Southern Arts Federation.

SAF Use Only:

- ☐ completed application
- ☐ countersigned letter of intent/contract (including educational component, dates, fee)
- ☐ proof of tax-exempt or government status

Durham County
300 N. Roxboro St.

Durham County Library

Durham NC 277013414

Contact: Marian Fragola

919-560-0268

E-mail: mfragola@durhamcountync.gov

Website:

Operating budget for last completed fiscal year: \$8,400,000

Mission:

The mission of the Durham County Library is to provide to the entire community books, services and other resources which inform, inspire learning, cultivate understanding and excite the imagination.

Project Summary:

Writer, novelist and essayist Dolen Perkins-Valdez will present a three-day residency, with a Sunday afternoon public reading at the historic Hayti Heritage Center, a lunch with local writers, a creative writing workshop for high school students, and a workshop on historic research for students at a local HBCU (historically black colleges and universities).

Artist/company name: Dolen Perkins-Valdez

Washington DC

Artist Website: <http://www.dolenperkinsvaldez.com/>

Artist fee: \$4,000

Amount of request: \$2,000

Start date – end date: 2/4/2011 – 2/6/2011

Residency of 3 days or more? Yes

public performances/readings: 1

Projected # participants: 200

educational activities: 3

Projected # participants: 65

The facility(ies) where project activities will take place are accessible to people with disabilities: Yes

Durham County
Dolen Perkins-Valdez

Schedule

Friday, February 4, morning: Creative writing workshop for 20 high school students at Northern High School.

Friday, February 4, afternoon: Workshop on conducting research for historical fiction for 20-40 undergraduate students at North Carolina Central University, an HBCU located in Durham.

Saturday, February 5, lunch: Lunch with 4-8 local writers, including Paul Austin, a colleague of Perkins-Valdez from Bread Loaf Writers' Conference, at a local restaurant to share ideas and current projects.

Sunday, February 6, 2011 at 3:00 pm: Public reading and book signing at Hayti Heritage Center, an African-American cultural and educational institution rooted in the historic Hayti community of Durham, North Carolina.

Artistic Merit

Artist Merit relates to the project and why this particular artist/company was selected. Describe the project, and the relevance of the proposed artist/company and their work to the project; why were they chosen?

[maximum 2500 characters including spaces, approximately 1/2 page]

Durham County Library recently completed a successful book discussions series on five seminal works of African-American literature. The series, called "Let's Talk About It", was funded in part by the North Carolina Humanities Council and consisted of book discussions led by scholars from North Carolina Central University, an HBCU located in Durham. The series was kicked off with a public reading/author talk from J. California Cooper (whose novel *Family* was part of the series), that was attended by more than 200 people. Based on the attendance from that event and the evaluations from participants of the book discussion series (attendance ~150), we know that the library is serving an audience that has a desire for high-quality programs that focus on African-American literature. Perkins-Valdez's historical novel *Wench*, which is set in 1853 at Tawawa, an Ohio vacation resort that was frequented by a group of white slave owners and their African-American slave mistresses, is an excellent example of the type of literature our constituents want to read and discuss. The book is circulating well here at the library, and several of the attendees from Let's Talk About It are reading *Wench* in their book clubs. We believe that Perkins-Valdez will be a draw for this audience, as well as bring in the larger reading public. Because of her work as a creative writing instructor for the University of Puget Sound, we believe she is an excellent candidate to lead two interactive instructional sessions with high school and college students. We were put in contact with Ms. Perkins-Valdez through the writer Paul Austin, who met her through the Bread Loaf Writers' Conference. Austin lives in Durham and his book, *Something for the Pain: Compassion and Burnout in the ER*, was selected for the Durham County Library's 2009 "one community, one book" program.

Durham County

Dolen Perkins-Valdez

Educational Outreach/Value

Educational Outreach/Value relates to the requirement that participants be engaged in learning activities that have lasting impact. Describe the educational and outreach components of the project. Describe the anticipated impact for participants . [maximum 2500 characters including spaces, approximately 1/2 page]

In addition to the public reading at Hayti Heritage Center (expected attendance ~200), the educational and outreach components of the project build on past projects and guest author and scholars presentations. The creative writing workshop will be conducted with students from Northern High School, which has an active creative writing class. This April, we were honored to bring Marilyn Nelson, former poet laureate of the State of Connecticut and author of *A Wreath for Emmett Till*, to speak to this group of students. They attentively listened to several of Ms. Nelson's poems, then asked her questions about how to improve their own writing, including how to conquer writers block and how to know when a poem is finished. By returning to this group of students with Ms. Perkins-Valdez, we will have another opportunity to expose them to a professional writer who can help them strengthen their own writing. Similarly, Ms. Perkins-Valdez's visit to North Carolina Central University will build on a master class conducted last year by Leslie Brown, assistant professor of history at Williams College and author of the nonfiction work *Upbuilding Black Durham*. In the master class, Dr. Brown led undergraduate students of public history through the methodology of her research, including the use of city maps. Perkins-Valdez will educate students in NCCU's English and history departments about how she conducted the research to write *Wench*. The anticipated impact for all Ms. Perkins-Valdez's activities is to give students, as well as the authors who participate in the lunch, the ability to talk and interact with a published author who has recently been through the process of researching, writing, revising, and now publicizing and marketing her work. All these activities are vital aspects of today's publishing atmosphere, and the students and writers who interact with Ms. Perkins-Valdez will have the opportunity to ask questions, share best practices, and learn from someone who is actively engaged in the creative and business aspects of writing.

Durham County
Dolen Perkins-Valdez

Audience Development/Community Involvement

When designing Audience Development/Community Involvement, projects do not necessarily have to serve the entire geographic community but should have targeted participants. Describe the audiences and community segments that you are targeting and engaging with this project. Describe why they were selected for involvement in this project, how they are involved in planning, and what community partners are involved. [maximum 2500 characters including spaces, approximately 1/2 page]

The audiences we are targeting for this project are: library customers who have expressed a desire for programs focusing on literature; high school students at Northern High School; and undergraduates at North Carolina Central University. To involve the educational outreach partners in planning, prior to her visit Perkins-Valdez will consult with the creative writing teacher at Northern High School and with English and history professors at North Carolina Central University, to determine whether there are particular topics or learning objectives they would like for her to address when she visits their classes. The author lunch will be targeted at a diverse group of local authors and hosted by Paul Austin, author of *Something for the Pain*. Community partners for this project include Durham Public Schools, North Carolina Central University, the Friends of Stanford L. Warren Library (part of the Durham County Library system), and Hayti Heritage Center. We would also like to involve the Carolina Circuit Writers (CCW), a statewide literary consortium supporting African-American and Hispanic writers, in helping to target writers of color for the author lunch. The library has a long relationship with CCW and the organization would be instrumental in helping us identify writers who may find interacting with Perkins-Valdez valuable. Finally, we would like to work with the Carolina African American Writers' Collective (CAAWC), a workshop and readers' group, and the North Carolina Writers Network, a vibrant nonprofit that assists writers at every stage of development, to help us publicize the Sunday, February 6 public reading, and encourage their members to attend.

Durham County
Dolen Perkins-Valdez

Accessibility/Underserved Communities

To address Accessibility and Underserved Communities, provide specific strategies on how you will reach those that lack access to the arts due to geography, economic conditions, ethnic background, disability, age or other demonstrable factors for this project specifically (not your organization's work in general). Describe actions you will take for programmatic/communications accessibility (e.g., planning/advisory committees including people with disabilities, large print programs/labels, American Sign Language interpretation, audio description, etc.). [maximum 2500 characters including spaces, approximately 1/2 page]

One of the most valuable aspects of this project is that it will give the general public, local writers and students, free access to a national author in their own community. In the case of students, we are taking Ms. Perkins-Valdez to them, rather than asking them to come to another venue to interact with the author. In terms of the public reading at the Hayti Heritage Center, it will be free and open to the public, as are all library sponsored events. Hayti Heritage Center is located on a bus line in the Hayti area of town, a once-thriving area devastated by urban renewal that is slowly recovering. Hayti is equipped with an elevator and ramps for people using wheelchairs. We will promote the public reading in all seven Durham County libraries, which serve low-income residents and those without other access to computers or internet access. In terms of marketing and communications, our website (which is one of our primary means of promoting events) is screen reader compatible and can be viewed in large print. We have a library staff person with a hearing disability, and several staff people with mobility disabilities, and will include them in planning our public program. At the same time, we are also interested in learning from other successful grantees their best practices for communications accessibility. In terms of underserved communities: at Northern High School, the site of the creative writing workshop, 43% of its students are eligible for free and reduced lunch and the school draws from six public housing or Section 8 areas. The school - which is 55% Black, 32% White, 9% Hispanic, 2% Asian, and 2% other/multi - has no budget with which to bring in outside artists and guests, making Perkins-Valdez' visit special and memorable to the students. According to a 2008/2009 state writing assessment of 10th graders, only 57.3% were proficient in writing. We would like to support Northern's efforts to raise those scores by providing unique experiences for their students by exposing them to published writers. North Carolina Central University, where Ms. Perkins-Valdez will be conducting a research workshop, has a history and tradition of serving students from minority and lower socio-economic backgrounds. Because the budgets of the history and English department at NCCU have little money for artist fees, they would not be able to bring this writer to interact with their students without this grant.

Durham County
Dolen Perkins-Valdez

Organizational Capacity/Evaluation

Designing and implementing an effective project design to meet your goals relate to Organizational Capacity and Evaluation. Describe your organization's ability to carry out the proposed project (include marketing efforts for target audience(s) and your organization's presenting history). What value will be delivered to your community through this project? What will constitute success for your project? What evaluation methods do you have in place to learn how you are, or are not, achieving your goals? [maximum 2500 characters including spaces, approximately 1/2 page]

In 2005, Durham County Library received a \$500,000 challenge grant from the National Endowment for the Humanities which the library matched 3:1, creating an endowment that supports all humanities offerings. Since that time, Durham County Library has built a strong and vibrant humanities program, with award-winning humanities programs and publications. The library has a six-person marketing team, and the library receives consistent media coverage from newspapers and other online media outlets. Attendance for adult humanities programs have grown rapidly - for example, we saw a 114% increase in attendance from calendar year 2008 (attendance 1,470) to 2009 (attendance 3,150). We know from audience evaluations, which we conduct for all major programs, that participants value library programs and want more of them. For this project, we are responding to our community's demonstrated and expressed desire for more programs related to African-American literature. With a large African-American community in Durham (37.5% of Durham County's estimated 262,715 residents are African American); the presence of North Carolina Central University, a growing HBCU; and the presence of many African-American book clubs; there is a market for African-American authors in Durham. At the library, African-American authors are among the most requested book lists and bibliographies. We believe that bringing Ms. Perkins-Valdez to Durham will enrich the cultural life of Durham, especially among those interested in African-American literature and history. We have seen from prior programming, especially book discussions centered on recent novels like Kathryn Stockett's *The Help*, that Durham residents are willing and eager to use literature as an entrée for talking about difficult subjects such as racism and racial identity, both in the past and in the present. What will constitute success for this project is: high attendance at the public reading (at least 100 attendees), attendee satisfaction with the public reading (measured through a written post-event evaluation), teacher and professor satisfaction with the educational component (measured through a post-workshop evaluation), and a post-lunch written evaluation from the writers who attend the lunch. Finally, success will be measured in verbal feedback - participants in library programs are frank and open with feedback and share their opinions with library staff, which frequently inform our planning and assessment of programs.



9d

**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Budget Ordinance Amendment No. 11BCC000006 for the Department of Social Services to recognize Family Violence Prevention and Services Act Revenue (\$4,074.00)

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Department of Social Services requests its budget be amended to recognize Family Violence Prevention and Services Act (FVPSA) revenue subsequent to adoption of the FY2010-2011 Budget.

The purpose of the Temporary Assistance to Needy Families/Domestic Violence (TANF/DV) fund is to provide direct services to eligible clients and their children to promote safety and economic stability. Utilizing TANF/DV funds requires a written agreed plan between the county department of social services (DSS) and local domestic violence agency. Child Welfare and Work First policy on responding to domestic violence cases recommends that county DSS create a MOU with community agencies including local domestic violence (DV) agencies. Convening a meeting with the DV agency involving DSS staff with specific knowledge of child welfare and Work First is a wonderful opportunity to form a written plan and MOU describing how all will work together to improve the outcomes of the families served.

Effective July 1, 2010, Family Violence Prevention Services Act (FVPSA) funds have been authorized for all county departments of social services (DSS) that had expended any Temporary Assistance to Needy Families/Domestic Violence (TANF/DV) funds in SFY 2009-2010. This FVPSA funding is available only for a short term so DSS may take time to engage in planning and discussion with their local domestic violence (DV) agency in order to develop a comprehensive TANF/DV Plan and Memorandum of Understanding (MOU) for SFY 2010-2011. DSS are only able to draw down FVPSA funding for services rendered from July through September 2010. The Division anticipates authorizing the availability of TANF/DV funding by October 1, 2010. Attached is a copy of the State Funding Authorization indicating \$4,074 in funding for FY2010-2011.

No local dollars required.

RESOURCE PERSONS: Antonia Pedroza, Assistant Director; Rhonda Stevens, Assistant Director; and John Myklebust, Program Manager.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Commissioners recommend approval of budget ordinance No. 11BCC000006 with an increase of \$4,074.

County Manager: _____

Richard M. Rappin

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue

Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Intergovernmental	\$71,844,010	\$4,074	\$71,848,084

Expenditures

Function	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Human Services	\$103,231,740	\$4,074	\$103,235,814

All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010

FUNDING AUTHORIZATION



DIVISION OF SOCIAL SERVICES

FUNDING SOURCE: Family Violence Prevention And Services Act

EFFECTIVE DATE: 07/01/2010

AUTHORIZATION NUMBER: 1

ALLOCATION PERIOD

FROM JUNE 2010 THRU MAY 2011 SERVICE MONTHS

FROM JULY 2010 THRU JUNE 2011 PAYMENT MONTHS

Co. No.	COUNTY	Initial (or Previous) Allocation Funding Authorization			Additional Allocation			Grand Total Allocation		
		Federal	State	Total	Federal	State	Total	Federal	State	Total
01	ALAMANCE	4,933.44	0.00	4,933.44	0.00	0.00	0.00	4,933.44	0.00	4,933.44
02	ALEXANDER	1,980.18	0.00	1,980.18	0.00	0.00	0.00	1,980.18	0.00	1,980.18
03	ALLEGHANY	950.40	0.00	950.40	0.00	0.00	0.00	950.40	0.00	950.40
04	ANSON	2,352.96	0.00	2,352.96	0.00	0.00	0.00	2,352.96	0.00	2,352.96
05	ASHE	1,367.10	0.00	1,367.10	0.00	0.00	0.00	1,367.10	0.00	1,367.10
06	AVERY	1,540.62	0.00	1,540.62	0.00	0.00	0.00	1,540.62	0.00	1,540.62
07	BEAUFORT	977.76	0.00	977.76	0.00	0.00	0.00	977.76	0.00	977.76
08	BERTIE	1,105.02	0.00	1,105.02	0.00	0.00	0.00	1,105.02	0.00	1,105.02
09	BLADEN	2,451.24	0.00	2,451.24	0.00	0.00	0.00	2,451.24	0.00	2,451.24
10	BRUNSWICK	2,624.94	0.00	2,624.94	0.00	0.00	0.00	2,624.94	0.00	2,624.94
11	BUNCOMBE	5,477.22	0.00	5,477.22	0.00	0.00	0.00	5,477.22	0.00	5,477.22
12	BURKE	4,629.24	0.00	4,629.24	0.00	0.00	0.00	4,629.24	0.00	4,629.24
13	CABARRUS	3,796.02	0.00	3,796.02	0.00	0.00	0.00	3,796.02	0.00	3,796.02
14	CALDWELL	1,325.34	0.00	1,325.34	0.00	0.00	0.00	1,325.34	0.00	1,325.34
15	CAMDEN	1,210.86	0.00	1,210.86	0.00	0.00	0.00	1,210.86	0.00	1,210.86
16	CARTERET	2,013.30	0.00	2,013.30	0.00	0.00	0.00	2,013.30	0.00	2,013.30
17	CASWELL	1,455.84	0.00	1,455.84	0.00	0.00	0.00	1,455.84	0.00	1,455.84
18	CATAWBA	5,256.36	0.00	5,256.36	0.00	0.00	0.00	5,256.36	0.00	5,256.36
19	CHATHAM	3,704.76	0.00	3,704.76	0.00	0.00	0.00	3,704.76	0.00	3,704.76
20	CHEROKEE	2,183.04	0.00	2,183.04	0.00	0.00	0.00	2,183.04	0.00	2,183.04
21	CHOWAN	1,356.84	0.00	1,356.84	0.00	0.00	0.00	1,356.84	0.00	1,356.84
22	CLAY	1,681.92	0.00	1,681.92	0.00	0.00	0.00	1,681.92	0.00	1,681.92
23	CLEVELAND	5,366.70	0.00	5,366.70	0.00	0.00	0.00	5,366.70	0.00	5,366.70
24	COLUMBUS	3,924.18	0.00	3,924.18	0.00	0.00	0.00	3,924.18	0.00	3,924.18
25	CRAVEN	2,898.00	0.00	2,898.00	0.00	0.00	0.00	2,898.00	0.00	2,898.00
26	CUMBERLAND	8,489.52	0.00	8,489.52	0.00	0.00	0.00	8,489.52	0.00	8,489.52
27	CURRITUCK	1,859.04	0.00	1,859.04	0.00	0.00	0.00	1,859.04	0.00	1,859.04
28	DARE	2,003.94	0.00	2,003.94	0.00	0.00	0.00	2,003.94	0.00	2,003.94
29	DAVIDSON	3,114.54	0.00	3,114.54	0.00	0.00	0.00	3,114.54	0.00	3,114.54
30	DAVIE	1,547.28	0.00	1,547.28	0.00	0.00	0.00	1,547.28	0.00	1,547.28
31	DUPLIN	1,734.30	0.00	1,734.30	0.00	0.00	0.00	1,734.30	0.00	1,734.30
32	DURHAM	4,073.76	0.00	4,073.76	0.00	0.00	0.00	4,073.76	0.00	4,073.76
33	EDGECOMBE	3,511.62	0.00	3,511.62	0.00	0.00	0.00	3,511.62	0.00	3,511.62
34	FORSYTH	8,490.78	0.00	8,490.78	0.00	0.00	0.00	8,490.78	0.00	8,490.78
35	FRANKLIN	1,777.50	0.00	1,777.50	0.00	0.00	0.00	1,777.50	0.00	1,777.50
36	GASTON	4,610.70	0.00	4,610.70	0.00	0.00	0.00	4,610.70	0.00	4,610.70
37	GATES	1,190.70	0.00	1,190.70	0.00	0.00	0.00	1,190.70	0.00	1,190.70
38	GRAHAM	1,227.78	0.00	1,227.78	0.00	0.00	0.00	1,227.78	0.00	1,227.78
39	GRANVILLE	1,550.16	0.00	1,550.16	0.00	0.00	0.00	1,550.16	0.00	1,550.16
40	GREENE	1,671.12	0.00	1,671.12	0.00	0.00	0.00	1,671.12	0.00	1,671.12
41	GUILFORD	8,353.26	0.00	8,353.26	0.00	0.00	0.00	8,353.26	0.00	8,353.26
42	HALIFAX	471.42	0.00	471.42	0.00	0.00	0.00	471.42	0.00	471.42
43	HARNETT	2,454.84	0.00	2,454.84	0.00	0.00	0.00	2,454.84	0.00	2,454.84
44	HAYWOOD	3,513.06	0.00	3,513.06	0.00	0.00	0.00	3,513.06	0.00	3,513.06
45	HENDERSON	4,903.74	0.00	4,903.74	0.00	0.00	0.00	4,903.74	0.00	4,903.74
46	HERTFORD	1,528.20	0.00	1,528.20	0.00	0.00	0.00	1,528.20	0.00	1,528.20
47	HOKE	720.18	0.00	720.18	0.00	0.00	0.00	720.18	0.00	720.18

FUNDING AUTHORIZATION

FUNDING SOURCE: Family Violence Prevention And Services Act

GRANT INFORMATION:

This funding authorization represents 100% Federal Funds.

Note: Based on the Dear County letter dated July 30, 2010, Effective July 1, 2010, Family Violence Prevention Services Act (FVPSA) funds have been authorized for all county departments of social services (DSS) that had expended any Temporary Assistance to Needy Families/Domestic Violence (TANF/DV) funds in SFY 2009-2010. This FVPSA funding is available only for a short term so DSS may take time to engage in planning and discussion with their local domestic violence (DV) agency in order to develop a comprehensive TANF/DV Plan and Memorandum of Understanding (MOU) for SFY 2010-2011. DSS is only able to draw down FVPSA funding for services rendered from July through September 2010. The Division anticipates authorizing the availability of TANF/DV funding by October 1, 2010.

XS411 Heading: Not available on XS411 Report

Tracked on XS411: Not available on XS411 Report

OBLIGATIONS INCURRED AND EXPENDITURES MADE UNDER THIS ADVICE WILL BE SUBJECT TO LIMITATIONS PUBLISHED BY FEDERAL AND STATE AGENCIES AS TO THE AVAILABILITY OF FUNDS

AUTHORIZED SIGNATURE

DATE:

Sherry L. Bradsher

August 10, 2010



North Carolina Department of Health and Human Services
Division of Social Services

325 North Salisbury Street • 2410 Mail Service Center • Raleigh, North Carolina 27699-2410
Courier # 56-20-25

Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

Sherry S. Bradsher, Director
(919) 733-3055

July 30, 2010

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

SUBJECT: ADDITIONAL DOMESTIC VIOLENCE SERVICES FUNDING

Effective July 1, 2010, Family Violence Prevention Services Act (FVPSA) funds have been authorized for all county departments of social services (DSS) that had expended any Temporary Assistance to Needy Families/Domestic Violence (TANF/DV) funds in SFY 2009-2010. This FVPSA funding is available only for a short term so DSS may take time to engage in planning and discussion with their local domestic violence (DV) agency in order to develop a comprehensive TANF/DV Plan and Memorandum of Understanding (MOU) for SFY 2010-2011. DSS are only able to draw down FVPSA funding for services rendered from July through September 2010. The Division anticipates authorizing the availability of TANF/DV funding by October 1, 2010.

DSS and DV agencies can utilize their SFY 2009-2010 TANF/DV Plans for the use of these FVPSA funds through September 2010. DSS and DV agencies may also amend their plans if in agreement to utilize this funding in a different strategic manner. For more specific information regarding the TANF/DV Plan and MOU, please review the TANF/DV Plan and MOU "Dear County Director" letter that was released on this date as well as a reference to the development of SFY2010-2011 plans.

As DSS and DV agencies are following or amending their SFY 2009-2010 plans, please note that there are some differences between TANF/DV and FVPSA funding. When utilizing FVPSA funds, there is no TANF eligibility requirement on the part of the client being served. Also, in addition to serving families, FVPSA funding allows for service provision to men and women who are victims of domestic violence and do not have children.

FVPSA funds require a twenty percent (20%) match share on total services costs. This local match can be in form of cash or in-kind resources. For SFY 2010-2011, the Division will assume the 20% match responsibility for these funds. **However, please note that if FVPSA funding is available for county DSS in future years, the county DSS will be required to assume the match requirement.**

Like with TANF/DV funds, DSS staff time to screen and provide a referral to a DV agency continues to be non-reimbursable. Another similarity is that the approved expenditures listed on the Guidelines for TANF/DV Funds are also the approved expenditures for FVPSA services. A continued practice is that the local domestic violence agency should provide a thorough domestic violence assessment with the client to determine the need for services. A DSS worker would continue to get a client's signature on a DSS-5027 form and provide reimbursement to the DV agency or other vender providers for the purchase of approved services/assistance.

A **Services Information System (SIS)** manual update will provide new service codes in the near future. The service code to be utilized on the Client Entry Form (DSS-5027) and Administrative Costs Report (DSS-1571) part IV for the purchase of the service/assistance provided to the client is **353 and the program code is 20**. The service code to be utilized on the day sheet (DSS-4263) for non-reimbursable DSS staff time is **352 and the program code is N**.

There are data reporting requirements for the use of FVPSA funds in **Burke, Clay, Cleveland, Durham, Forsyth, Granville, Halifax, Harnett, Hoke, Hyde, Martin, Montgomery, Moore, Person, Pitt, Swain, Tyrrell, and Washington** counties because there is not currently a FVPSA funded DV agency in your community that would be able to continue tracking the data requirements. Attached is a spreadsheet to assist with recording these required data fields. Counties will need to communicate closely with their DV agency in order to get an accurate account of the supportive services that were provided to the clients. Save and submit the spreadsheet via email to eric.zechman@dhhs.nc.gov by **November 1, 2010**. A separate letter/invitation will be emailed to these counties encouraging the DSS and DV agencies to join a webinar event to address any data reporting requirement questions.

Any questions regarding this letter should be directed to Rick Zechman via email at eric.zechman@dhhs.nc.gov or by phone at (919) 334-1108.

Sincerely,



Charisse S. Johnson, Chief
Child Welfare Services

Attachments:

FVPSA Data Report

FVPSA Allocation through September 2010 Services

cc: Sherry Bradsher
Jack Rogers
Dean Simpson
Hank Bowers
Domestic Violence Agencies
NC Coalition Against Domestic Violence
Children's Program Representatives
Work First Program Consultants
Local Business Liaisons



9e

COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Budget Ordinance Amendment No. 11BCC000007 for the Department of Social Services to recognize grant funds from Triangle United Way in the amount of \$19,614 for Direct Medical

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Department of Social Services request its budget be amended to recognize Direct Medical Funds from Triangle United Way in the amount of \$19,614. These funds are the remaining balance of our award which is funded on a calendar year.

The Direct Medical Fund has been operational with Durham County Department of Social Services for over 20 years. The mission of the Direct Medical Fund is to provide timely financial assistance for individuals who do not have the means to purchase prescribed medication and supplies. When appropriate, DSS social workers counsel and provide information to help clients make application for more long-term solutions to their medical needs such as requesting services from Lincoln Community Health Center, taking medical insurance on the job, or applying for Medicaid or Medicare if client has failed to do so.

No local dollars required.

RESOURCE PERSONS: Antonia Pedroza/Assistant Director.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Commissioners approve Budget Amendment No. 11BCC000007 in the amount of \$19,614.

County Manager: *Richard M. Rappin*

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue			
Category	Current Budget	Increase/Decrease	Revised Budget

GENERAL FUND

Contributions & Donations	\$1,100,742	\$19,614	\$1,120,356
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Expenditures			
Function	Current Budget	Increase/Decrease	Revised Budget

GENERAL FUND

Human Services	\$103,235,814	\$19,614	\$103,255,428
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All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010

**United Way
of the Greater Triangle**

P.O. Box 110387
Research Triangle Park, NC 27709
tel 919.460.8687
fax 919.460.9019
www.unitedwaytriangle.org



Mr. Bob Wallace
Durham Dept. of Social Services
PO Box 810
Durham, NC 27702

March 1, 2010

Dear Bob,

This letter serves as the official notification of dollars awarded to Durham Dept. of Social Services from United Way of the Greater Triangle for calendar year 2010. Your agency will receive funding for the program(s) noted below for January 1, 2009 – December 31, 2009 through monthly allocation payments.

Program	* January –December 2010
Direct Medical Funds	\$39,228

Should you have any questions or need additional information, please contact any of the Resource Investment Department staff members:

Lori Caterinicchio	463-5045
Suzanne Deobald	463-5048
Nathaniel Goetz	463-5002
Stan Holt	463-5023
Tracy Moore	463-5035
Angie Welsh	463-5044

Thank you for your work in Durham and for the lives you touch on a daily basis.

Sincerely,

A handwritten signature in black ink that reads "Angie Welsh". The signature is fluid and cursive, with a long horizontal stroke at the end.

Angie Welsh
Sr. Vice President, Resource Investment



9f

COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Budget Ordinance Amendment No. 11BCC000008 for the Department of Social Services to recognize Supplemental Nutrition Assistance Program (SNAP) Contingency Funds in the amount of \$236,314

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

On December 19, 2009, the President signed into law the Department of Defense (DoD) Appropriations Act of 2010, which appropriated contingency funding to states for the costs associated with administering the Food and Nutrition Services Program. These additional funds are in no way associated with the American Recovery and Reinvestment Act (ARRA) of 2009-2010. These are 100 percent federal funds and do not require a county match. The contingency funds are intended to help address the growing strain on existing resources related to the administration of the Food and Nutrition Services Program. These funds are intended to supplement current county funds for Food and Nutrition Services. An example of supplementing the FNS Program would be the hiring of additional FNS staff.

The Department of Social Services (DSS) request its budget be amended to recognize Supplemental Nutrition Assistance Program (SNAP) Contingency Funds in the amount of \$236,314. DSS will continue to use these funds for temporary staff positions as these funds are time limited. The funds will allow us to address the continued increase in our caseload as well as the anticipated increase from the Food and Nutrition Services Categorical Eligibility policy expected in July 2011.

RESOURCE PERSONS: Antonia Pedroza/Assistant Director and Rhonda Steven/Assistant Director.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Commissioners approve Budget Amendment No. 11BCC000008 in the amount of \$236,314.

County Manager: *Richard M. Rappin*

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue			
Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Intergovernmental	\$71,848,084	\$236,314	\$72,084,398

Expenditures			
Function	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Human Services	\$103,255,428	\$236,314	\$103,491,742

All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010



DIVISION OF SOCIAL SERVICES

SNAP Contingency Funds

FUNDING SOURCE: USDA

EFFECTIVE DATE: July 1, 2010

AUTHORIZATION NUMBER: 1

ALLOCATION PERIOD

FROM JUNE 2010 THRU MAY 2011 SERVICE MONTHS

FROM JULY 2010 THRU JUNE 2011 PAYMENT MONTHS

Co. No.	COUNTY	Initial (or Previous) Allocation Funding Authorization			Additional Allocation			Grand Total Allocation		
		Federal	State	Total	Federal	State	Total	Federal	State	Total
01	ALAMANCE	\$ 136,495.70	0.00	\$136,495.70	0.00	0.00	0.00	\$ 136,495.70	0.00	\$136,495.70
02	ALEXANDER	\$ 63,286.00	0.00	\$63,286.00	0.00	0.00	0.00	\$ 63,286.00	0.00	\$63,286.00
03	ALLEGHANY	\$ 42,759.08	0.00	\$42,759.08	0.00	0.00	0.00	\$ 42,759.08	0.00	\$42,759.08
04	ANSON	\$ 71,601.00	0.00	\$71,601.00	0.00	0.00	0.00	\$ 71,601.00	0.00	\$71,601.00
05	ASHE	\$ 55,957.00	0.00	\$55,957.00	0.00	0.00	0.00	\$ 55,957.00	0.00	\$55,957.00
06	AVERY	\$ 47,291.00	0.00	\$47,291.00	0.00	0.00	0.00	\$ 47,291.00	0.00	\$47,291.00
07	BEAUFORT	\$ 66,001.92	0.00	\$66,001.92	0.00	0.00	0.00	\$ 66,001.92	0.00	\$66,001.92
08	BERTIE	\$ 67,775.00	0.00	\$67,775.00	0.00	0.00	0.00	\$ 67,775.00	0.00	\$67,775.00
09	BLADEN	\$ 80,390.00	0.00	\$80,390.00	0.00	0.00	0.00	\$ 80,390.00	0.00	\$80,390.00
10	BRUNSWICK	\$ 104,106.00	0.00	\$104,106.00	0.00	0.00	0.00	\$ 104,106.00	0.00	\$104,106.00
11	BUNCOMBE	\$ 221,549.00	0.00	\$221,549.00	0.00	0.00	0.00	\$ 221,549.00	0.00	\$221,549.00
12	BURKE	\$ 109,054.00	0.00	\$109,054.00	0.00	0.00	0.00	\$ 109,054.00	0.00	\$109,054.00
13	CABARRUS	\$ 148,035.00	0.00	\$148,035.00	0.00	0.00	0.00	\$ 148,035.00	0.00	\$148,035.00
14	CALDWELL	\$ 116,192.18	0.00	\$116,192.18	0.00	0.00	0.00	\$ 116,192.18	0.00	\$116,192.18
15	CAMDEN	\$ 13,973.40	0.00	\$13,973.40	0.00	0.00	0.00	\$ 13,973.40	0.00	\$13,973.40
16	CARTERET	\$ 64,825.85	0.00	\$64,825.85	0.00	0.00	0.00	\$ 64,825.85	0.00	\$64,825.85
17	CASWELL	\$ 62,732.00	0.00	\$62,732.00	0.00	0.00	0.00	\$ 62,732.00	0.00	\$62,732.00
18	CATAWBA	\$ 181,459.00	0.00	\$181,459.00	0.00	0.00	0.00	\$ 181,459.00	0.00	\$181,459.00
19	CHATHAM	\$ 61,947.00	0.00	\$61,947.00	0.00	0.00	0.00	\$ 61,947.00	0.00	\$61,947.00
20	CHEROKEE	\$ 57,201.00	0.00	\$57,201.00	0.00	0.00	0.00	\$ 57,201.00	0.00	\$57,201.00
21	CHOWAN	\$ 53,821.00	0.00	\$53,821.00	0.00	0.00	0.00	\$ 53,821.00	0.00	\$53,821.00
22	CLAY	\$ 45,709.00	0.00	\$45,709.00	0.00	0.00	0.00	\$ 45,709.00	0.00	\$45,709.00
23	CLEVELAND	\$ 126,653.23	0.00	\$126,653.23	0.00	0.00	0.00	\$ 126,653.23	0.00	\$126,653.23
24	COLUMBUS	\$ 103,903.00	0.00	\$103,903.00	0.00	0.00	0.00	\$ 103,903.00	0.00	\$103,903.00
25	CRAVEN	\$ 110,839.00	0.00	\$110,839.00	0.00	0.00	0.00	\$ 110,839.00	0.00	\$110,839.00
26	CUMBERLAND	\$ 356,164.00	0.00	\$356,164.00	0.00	0.00	0.00	\$ 356,164.00	0.00	\$356,164.00
27	CURRITUCK	\$ 40,972.01	0.00	\$40,972.01	0.00	0.00	0.00	\$ 40,972.01	0.00	\$40,972.01
28	DARE	\$ 48,900.00	0.00	\$48,900.00	0.00	0.00	0.00	\$ 48,900.00	0.00	\$48,900.00
29	DAVIDSON	\$ 181,202.00	0.00	\$181,202.00	0.00	0.00	0.00	\$ 181,202.00	0.00	\$181,202.00
30	DAVIE	\$ 22,904.13	0.00	\$22,904.13	0.00	0.00	0.00	\$ 22,904.13	0.00	\$22,904.13
31	DUPLIN	\$ 64,396.85	0.00	\$64,396.85	0.00	0.00	0.00	\$ 64,396.85	0.00	\$64,396.85
32 *	DURHAM	\$ 236,314.00	0.00	\$236,314.00	0.00	0.00	0.00	\$ 236,314.00	0.00	\$236,314.00
33	EDGECOMBE	\$ 119,158.40	0.00	\$119,158.40	0.00	0.00	0.00	\$ 119,158.40	0.00	\$119,158.40
34	FORSYTH	\$ 286,111.00	0.00	\$286,111.00	0.00	0.00	0.00	\$ 286,111.00	0.00	\$286,111.00
35	FRANKLIN	\$ 84,216.00	0.00	\$84,216.00	0.00	0.00	0.00	\$ 84,216.00	0.00	\$84,216.00
36	GASTON	\$ 248,996.00	0.00	\$248,996.00	0.00	0.00	0.00	\$ 248,996.00	0.00	\$248,996.00
37	GATES	\$ 43,951.00	0.00	\$43,951.00	0.00	0.00	0.00	\$ 43,951.00	0.00	\$43,951.00
38	GRAHAM	\$ 43,045.00	0.00	\$43,045.00	0.00	0.00	0.00	\$ 43,045.00	0.00	\$43,045.00
39	GRANVILLE	\$ 74,846.00	0.00	\$74,846.00	0.00	0.00	0.00	\$ 74,846.00	0.00	\$74,846.00
40	GREENE	\$ 43,139.46	0.00	\$43,139.46	0.00	0.00	0.00	\$ 43,139.46	0.00	\$43,139.46
41	GUILFORD	\$ 448,907.11	0.00	\$448,907.11	0.00	0.00	0.00	\$ 448,907.11	0.00	\$448,907.11
42	HALIFAX	\$ 134,028.00	0.00	\$134,028.00	0.00	0.00	0.00	\$ 134,028.00	0.00	\$134,028.00
43	HARNETT	\$ 128,430.00	0.00	\$128,430.00	0.00	0.00	0.00	\$ 128,430.00	0.00	\$128,430.00
44	HAYWOOD	\$ 87,204.00	0.00	\$87,204.00	0.00	0.00	0.00	\$ 87,204.00	0.00	\$87,204.00
45	HENDERSON	\$ 89,003.00	0.00	\$89,003.00	0.00	0.00	0.00	\$ 89,003.00	0.00	\$89,003.00
46	HERTFORD	\$ 70,649.00	0.00	\$70,649.00	0.00	0.00	0.00	\$ 70,649.00	0.00	\$70,649.00
47	HOKE	\$ 80,376.00	0.00	\$80,376.00	0.00	0.00	0.00	\$ 80,376.00	0.00	\$80,376.00

AUTHORIZATION NUMBER: 1

FUNDING SOURCE: USDA

GRANT INFORMATION:

This funding authorization represents Federal Fiscal Year 2010 FNS Recovery Funds.

Recovery Funds. The allocation represents the unexpended funds carried forward from state fiscal year 2010.

All unexpended funds remaining at the end of state fiscal year 2011 will be carried forward to state fiscal year 2012.

XS411 Heading:

Tracked on XS411: FNS RECOVERY PACKAGE

OBLIGATIONS INCURRED AND EXPENDITURES MADE UNDER THIS ADVICE WILL BE SUBJECT TO LIMITATIONS PUBLISHED BY FEDERAL AND STATE AGENCIES AS TO THE AVAILABILITY OF FUNDS

AUTHORIZED SIGNATURE

DATE:

Sherry L. Bradsher

August 25, 2010

Accepted by:

Geri Robison

County Director Signature

8/26/2010

Date

County Name :

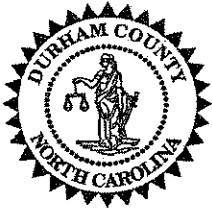
Durham

\$ 236,314

Grand

Total Allocation

Please provide your Local Business Liaison with a signed copy of this Funding Authorization.



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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Budget Ordinance Amendment No. 11BCC000009 – Reallocation of Sheriff's Office LEO Officer to Durham Public Schools as a School Resource Officer With Additional Funding Support From Durham Public Schools (\$47,739), And a Corresponding Change in The Interlocal Agreement Relating to This Position Change

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The County of Durham, Durham Public Schools, and the Sheriff of Durham County entered into an Interlocal Cooperation Agreement July 2003 in response to the Durham Public Schools' request for additional School Resource Officers at identified school locations. Under the agreement, Durham Public Schools funded the salary and benefits for the requested SRO positions (6 FTEs). Durham Public Schools has requested an additional School Resource Officer for assignment to the Holton Career and Resource Center at a reimbursement cost of \$47,739 for the remainder of the current fiscal year. The Sheriff has agreed to meet this request through the reallocation of an existing officer. A third amendment to the Interlocal Cooperation Agreement has been prepared to reflect these changes.

The Board is requested to authorize the Manager to execute the third amendment to the Interlocal Cooperation agreement and approve the Sheriff's Office budget modification to recognize the additional \$47,739 from the Durham Public Schools and appropriate it to the Sheriff's budget for purposes of supporting reallocated position expenses. No additional county funding is required.

RESOURCE PERSONS: Tina Ingram, Durham Public Schools; Captain Ricky Padgett, Sheriff's Office; and Kimberly Cook, Comptroller, Sheriff's Office

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends the Board authorize the execution of the third amendment to the Interlocal Cooperation Agreement and approve the requested Sheriff's Office Budget Ordinance Amendment No. 11BCC000009 appropriation of \$47,739 from Durham Public Schools to support an additional School Resource Officer at the Holton Career and Resource Center.

County Manager: _____

Richard M. Rappin

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue			
Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Intergovernmental	\$72,084,398	\$47,739	\$72,132,137

Expenditures			
Function	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Public Safety	\$43,271,177	\$47,739	\$43,318,916

All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010

THIRD AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT

This Third Amendment is made August 12, 2010 among Durham Public Schools ("Schools"), Worth L. Hill, in his official capacity as Sheriff of Durham County ("Sheriff"), and the County of Durham ("County").

The Parties herein entered into an Interlocal Cooperation Agreement, effective July 1, 2003, relative to the Sheriff assigning School Resource Officers (SRO) to the Schools; the County providing additional deputies therefore and the Schools paying the County funds to cover the personnel and operating expenses for the SRO deputies so assigned (the Original Agreement).

The Parties are desirous of modifying the provisions of the Original Agreement by amending it as provided for herein.

In consideration of services performed and funds paid and received by the Parties, the Original Agreement is hereby modified, altered, and changed in the following respects only:

1. Section 1 is amended to read:
 - A. Seven (7) School Resource Officers will be authorized by the County and hired by the Sheriff and assigned to the following Schools:

Two (2) School Resource Officers at Hillside High School
Two (2) School Resource Officers at Jordan High School
One (1) School Resource Officer at Riverside High School
One (1) School Resource Officer at Southern High School
One (1) School Resource Officer at Holton Career and Resource Center
2. For the remainder of the current 2010-2011 fiscal year the cost of the additional officer assigned to Holton Career and Resource Center is \$47,739.64.
3. Except for the changes made herein, the Original Agreement shall remain in full force and effect to the extent not inconsistent with this Third Agreement. In the event that there is a conflict between the Original Agreement and this Third Agreement, this Third Agreement shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

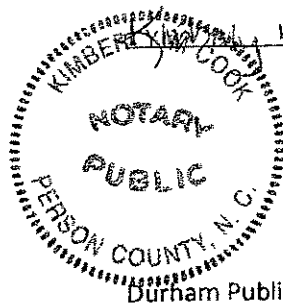
Sheriff

Worth L. Hill

Worth L. Hill

Kimberly M. Cook, a Notary Public, do hereby certify that WORTH L. HILL, Sheriff of Durham County, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 25 day of August 2010.

My Commission Expires: September 25 2010



Notary Public

Eric J. Becoats

Eric J. Becoats

I, Berna Sellers, a Notary Public, do hereby certify that ERIC J. BECOATS, Superintendent, Durham Public Schools, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 24th day of August 2010.

Berna Sellers

Notary Public

My Commission Expires: 8/30/2010

County of Durham

Michael M. Ruffin

I, _____, a Notary Public, do hereby certify that MICHAEL M. RUFFIN, County Manager, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the ____ day of _____.

Notary Public

My Commission Expires: _____



9h

**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Budget Ordinance Amendment No. 11BCC000010 – Sheriff's Office Designation and Appropriation of \$351,744 of Inmate Funds to Support Inmate Welfare

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

Inmate Canteen/Commissary services are currently provided at the Durham County Detention facility through a contracted vendor. Under the terms of the contract, the vendor shall pay to the Sheriff a commission on net sales of canteen/commissary products less stamps, stamped envelopes and sales tax. In addition, any monies found in the possession of inmates is confiscated and included with these funds to be used for the benefit of all inmates.

The County Sheriff's Office has an established policy (the Inmate Welfare Funds Policy) whereby these funds are to be utilized for supporting items or services that directly benefit the inmates with strict guidelines as to the purposes for which these funds can be expended and how these funds are accounted for. The Durham County Sheriff's Office Inmate Welfare Funds Policy is consistent with the policies of the NC Department of Corrections, Wake County, Guilford County, Mecklenburg County, Cumberland County and Buncombe County. Examples of items and services that are allowable expenditures per the policy include: facility programs (e.g., educational, religious, visitation and rehabilitation/vocational services), indigent inmate supplies, purchase of television sets and recreational supplies, athletic supplies and uniforms, library/legal materials, magazines, barber and beauty shop supplies, toilet articles, repair of televisions, sports equipment, and special one-time inmate expenses such as travel to a relative's funeral and funeral expenses.

Therefore, the Office of the Sheriff requests the Board approve that all commissions received from the Inmate Canteen/Commissary and the confiscated monies from inmates be designated as of fiscal year end 2010 and that all future commissions and confiscated monies be used to fund expenditure activity for inmates' welfare with any balances remaining being designated for inmate welfare to be expended and accounted for per the Sheriff's Office Inmate Welfare Funds Policy and per the Durham County Finance Policies and Procedures. As of FY2010, the amount of \$351,744 would be designated within the General Fund to be used for inmate welfare. In addition, the Office of the Sheriff requests that the Board approve the attached budget amendment for FY2011 to support inmate welfare in the Sheriff's budget. Designating these monies in fund balance has no impact on the unreserved fund balance percentage and in doing so permits the County's Sheriff's Office to operate consistently with the aforementioned counties and NC Department of Corrections regarding providing for inmate welfare. Durham County Finance supports this designation.

RESOURCE PERSONS: Kim Cook, Comptroller; Curtis Massey, Legal Advisor; Major Julian Couch, Detention Program/Services

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve designating the funds from the commission of canteen/commissary net sales and confiscated funds for inmate welfare to be expended and accounted for per the Sheriff's Office Inmate Welfare Funds Policy and the Durham County Finance Policies and Procedures; and to approve Budget Ordinance Amendment 11BCC000010 recognizing and appropriating \$351,744 in designated funds to support the inmate welfare fund in the Sheriff's Office budget.

County Manager: _____

Richard M. Ruffin

Motion Yes No

() Approved

() Denied

Bowser

Heron

Howerton

Page

Reckhow

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Durham County, North Carolina

2010-2011 Budget Ordinance

Amendment Number 11BCC000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-2011 budget ordinance is hereby amended to reflect budget adjustments.

Revenue			
Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Other Revenues	\$185,911	\$351,744	\$537,655

Expenditures			
Function	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Public Safety	\$43,318,916	\$351,744	\$43,670,660

All ordinance and portions of ordinance in conflict herewith are hereby repealed.

Approved September 13, 2010

**DURHAM COUNTY SHERIFF'S DETENTION DIVISION
POLICY AND PROCEDURE MANUAL**

SECTION:	ADM. 2.18	SUBJECT: Inmate Welfare Funds
ISSUED DATE:	8/29/94	
EFFECTIVE DATE:	10/3/94	
REVISED DATE:	07/01/10	

ACA STANDARDS: 3-ALDF-1B-18
NC STANDARDS: NONE
STATE STATUTE: NONE
DEPARTMENTAL DIRECTIVES: NONE

- I. **PURPOSE:** The purpose of this policy is to establish procedures whereby proceeds from the operations of the commissary operations and confiscated funds from inmates are expended on behalf of the inmates' welfare for items or services that directly benefit the inmates.
- II. **APPLICABILITY:** To All Detention and Financial Division Personnel
- III. **DEFINITIONS:** Inmate Welfare: Items or services that directly benefit the inmates
- IV. **POLICY:** It is the policy of the Durham County Office of the Sheriff's Detention Services Division that net proceeds from the operation of the Inmate Commissary/Canteen or other funds confiscated from inmates to be deposited regularly as required by General Statute into the County's operating bank account to be designated by the Board of County Commissioners (BOCC) for inmate welfare. The revenue and expenditure activity for these funds will be accounted for in a separate fund center/cost center within the Sheriff Office business area in the County's general ledger with the balance of unspent funds being maintained in a designated for inmate welfare fund balance equity account to be expended for the benefit of inmate welfare.

V. PROCEDURE**A. Utilization of Funds:**

Inmate Welfare funds must be utilized for items or services that directly benefit the inmates. The following is a general list of items that may be requested through the Inmate Welfare Fund:

1. Purchase of television sets, radio systems, athletic supplies and uniforms, library books (including Legal materials), magazines, barber and beauty shop supplies, musical instrument, toilet articles, and special food for each inmate on holidays or special events;
2. Repair of televisions, sports equipment, commissary equipment, etc.,
3. Indigent inmate supplies to include mail supplies and sanitary, or health and comfort items.
4. Special one-time inmate expenses, such as travel to relative's funeral and funeral expenses,
5. Replacement of lost or damaged personal inmate property
6. Purchase of equipment, to include special clothing, so that inmates may participate in facility work programs providing skills training or earned credits for release.
7. Facility programs such as:
 - a. Educational programs
 - b. Religious programs
 - c. Visitation programs
 - d. Rehabilitation/vocational services
8. Requests for the use of welfare inmate funds other than the above stated must be reviewed and approved by the Sheriff's Legal Counsel.

- B. The Sheriff's Comptroller's Office shall coordinate with the Durham County Finance Department the development and implementation of the processes and procedures required for the successful implementation of this policy.

- C. A new fund center/cost center will be created for the Sheriff's Office Business Area (4310) in the County's general ledger to be named "Inmate welfare."
- D. A new fund balance equity account will be created for designation of unspent funds at year end to be named "Designated fund balance – inmate welfare" in the County's general ledger.
- E. Inmate Welfare - Expenditures
 - 1. The attached form titled "Inmate Welfare Request Form" will be used for any requests for expenditures from the inmate welfare funds.
 - 2. All request forms must be completed prior to ordering/purchasing items or services and accompanied by a quote, which indicates the vendor name, items or services to be purchased and the total cost (including sales tax, shipping and handling, etc.). For the attendance of funerals, requests forms must be accompanied by an itemized estimate of the costs for attendance to the funeral.
 - 3. Approval for any expenditure from the inmate welfare funds must have the following signatures on the request form:
 - a. Chief Deputy
 - b. Director of Detention Services or Designee
 - c. Comptroller for the Office of the Sheriff or Designee
 - 4. Upon completion and approval of the request form, the Sheriff's financial staff will procure the items/services in accordance with Durham County purchasing, procurement card and accounts payable policies and procedures. This financial activity will be recorded in the County's general ledger in the cost center/fund center for inmate welfare in the Sheriff's Office business area.
 - 5. A completed approved withdrawal form will be included as supporting documentation in the financial documentation for purchasing, procurement card and accounts payable items submitted for processing and filed accordingly.
 - 6. Copies of the completed approved withdrawal forms will be maintained in the Sheriff's Office with the Comptroller or Designee.

F. Inmate Welfare - Deposits/Revenues

The Comptroller or Designee shall ensure deposits are made to the County's operating account on a regular basis in accordance with State Statute.

1. Ensure all Commissary "net proceeds" received by the Sheriff's Office from the Inmate Canteen/Commissary and all confiscated funds from inmates received are deposited in the County's operating account.
2. At a minimum, deposit daily (Monday – Friday) any amount received into the County's operating account.
3. Copies of the deposits will be maintained in the Sheriff's Office with the Comptroller or Designee.

G. Monthly Audit and Account Analysis/Reconciliation

1. The detail posted to the cost center/fund center for inmate welfare (both revenues and expenditures) in the County's general ledger will be analyzed by the Comptroller.
2. This analysis will include matching the copies of completed approved withdrawal forms and copies of the deposits to the detail posted to the fund center/cost center to ensure completeness and accuracy of postings for expenditures and revenues, respectively.
3. This analysis should be completed by the 15th of the following month.
4. If any discrepancies are found, they will be researched and corrected accordingly.
5. Upon completion of the monthly analysis, it should be signed off and filed by the Comptroller.
6. The Sheriff, Chief Deputy, Division Manager of Planning and Development, Finance Director or Designee, or Internal Auditor may review these analyses at any time upon request.

H.. Annual Year End Process

1. At year end, once financial activity to the County's general ledger are final, the Comptroller or Designee will complete the process for designating any unspent balance of inmate welfare funds to the fund balance equity account for inmate welfare.
2. The Finance Department provides a template for completion of this task.
3. The completed template and supporting documentation are to be sent by the required deadline (established by the Finance Department each fiscal year end) to the Deputy Finance Director in the Finance Department.
4. The completed template and supporting documentation will be reviewed for accuracy and completeness. Any questions will be provided to the Comptroller for clarification.
5. The amount to be designated will be recorded to the fund balance equity account for inmate welfare.

I. Safekeeping of Records

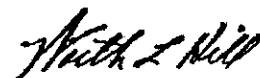
The copies of all inmate welfare activity (e.g., completed approved request forms and deposits) shall be properly safeguarded by the Comptroller or Designee.

All accounting activity for the inmate welfare funds (paper and electronic) shall be maintained in accordance with record retention requirements.

J. Audits

The Comptroller shall be responsible for the maintenance of proper controls to ensure that all parties are in compliance with the policies and procedures prescribed herein. Periodic checks and field audits shall be made by the Comptroller. Upon completion of such review, if the review is favorable, a statement to that effect will be sent to the Sheriff and Director of Detention Services whereas if any problems are found, a written report shall be submitted to the Sheriff and Director of Detention Services. County Finance reserves the right to conduct independent internal audits or have external audits performed on this policy.

Sheriff



**County of Durham
Office of the Sheriff
Inmate Welfare Fund Request**



Requested By (Name): _____

Location/Division: _____ Date: _____

Reason for Request: _____

Specified Vendor Name: _____

Address: _____

<u>ITEM/SERVICE DESCRIPTION</u>	<u>QTY</u>	<u>PRICE</u>	<u>TOTAL</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
		SUBTOTAL	_____
		SHIP / HANDLING	_____
		TAX	_____
TOTAL REQUESTED		\$	_____

(Statement or quote indicating price and total amount may be attached: (INCLUDE TAX, SHIPPING AND HANDLING)).

DIRECTOR OF DETENTION SERVICES

DATE

COMPTROLLER-OFFICE OF THE SHERIFF

DATE

CHIEF DEPTY

DATE

Fiscal Staff Only:

SAP Check Number: _____ Date: _____ Invoice Number: _____



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COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Approval of the contracts for the Purchase of Clinical Casework and Workstations from the U.S. Communities Buying Program for Phase I and II of the Durham County Human Services Project No.: DC070

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is requested to authorize the County Manager to enter into contracts with the following vendors for the purchase of Clinical Casework and Workstations for Phase I and II of the Durham County Human Services (DCHS) building located at 414 East Main Street Durham, NC in the amount of \$4,791,815.61 and to execute any other related contracts, if necessary, not to exceed the budget of \$4,839,733.61. (See attachment 1, Page 1- 3)

The clinical casework and workstations for the Durham County Human Services building was selected for purchase through the U.S. Communities Buying Program. G.S. 143-129(e) allows local governments to be exempted from the competitive bidding requirements and purchase furnishings/equipment through group purchasing programs. The Engineering Department has reviewed the recommendations with The Freelon Group Architects, P.A. and the Purchasing Department and recommends that the County proceed with the items described. A breakdown of the quotes is as follows:

(I)	Herman Miller/Alfred Williams:	\$ 820,971.99 (Clinical Casework)
(II)	Knoll/Carolina Business Interiors:	\$ 3,970,843.62 (Phase I & II Workstation, Storage and Filing)
	Casework/Furniture Subtotal:	\$ 4,791,815.61
	Contingencies:	\$ 47,918.00
	Total:	\$ 4,839,733.61

The construction contract for the Durham County Human Services building was awarded to New Atlantic Contracting Co., Inc. on October 13, 2008. The construction of Phase I of the DCHS building is currently scheduled for substantial completion in January 2011, which allows for the clinical casework, furniture, IT and associated installations to begin. The delivery and installation period for this contract is scheduled for completion by February 2011.

RESOURCE PERSON(S): Glen Whisler, P.E., County Engineer; Zena Howard, AIA, The Freelon Group Architects, P.A.; Ademola Shobande Assoc. AIA, Senior Project Manager; Peri Manns ASLA, Project Manager and Pamela Gales, Assistant Purchasing Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board authorize execution of contracts with Alfred Williams and Carolina Business Interiors for the purchase of Clinical Casework and Workstations from the U.S. Communities Buying Program for Phase I and II of the Durham County Human Services building, in the total amount of \$4,791,815.61 and to execute any other related contracts, if necessary, not to exceed the budget of \$4,839,733.61.

County Manager: *Richard M. Rappin*

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

"ATTACHMENT 1"



**Durham County Human Services
DC-070**

KNOLL/ CBI Systems Furniture

U.S. Communities Pricing Contract # C0032199

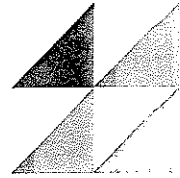
August 27, 2010

PHASE 1	BASEMENT	1	PRODUCT	\$	41,980.39
		1	LABOR	\$	5,143.47
			BASEMENT TOTAL	\$	47,123.86
	FIRST FLOOR TOTAL	1	PRODUCT	\$	168,828.20
		1	LABOR	\$	21,298.79
			FIRST FLOOR TOTAL	\$	190,126.99
	SECOND FLOOR TOTAL		PRODUCT	\$	565,552.44
			LABOR	\$	69,395.09
			SECOND FLOOR TOTAL	\$	634,947.53
	THIRD FLOOR TOTAL		PRODUCT	\$	566,842.97
			LABOR	\$	70,124.59
			THIRD FLOOR TOTAL	\$	636,967.56
			PHASE 1 PRODUCT TOTAL	\$	1,343,204.00
			PHASE 1 LABOR TOTAL	\$	165,961.94
	PHASE 1 TOTAL			\$	1,509,165.94
PHASE 2	FIRST FLOOR TOTAL	1	PRODUCT	\$	720,073.13
		1	LABOR	\$	88,112.98
			FIRST FLOOR TOTAL	\$	808,186.11
	SECOND FLOOR TOTAL		PRODUCT	\$	687,154.58
			LABOR	\$	84,921.46
			SECOND FLOOR TOTAL	\$	772,076.04
	THIRD FLOOR TOTAL		PRODUCT	\$	748,752.30
			LABOR	\$	92,663.23
			THIRD FLOOR TOTAL	\$	841,415.53
			PHASE 2 PRODUCT TOTAL	\$	2,155,980.01
			PHASE 2 LABOR TOTAL	\$	265,697.67
	PHASE 2 TOTAL			\$	2,421,677.68
TOTAL				\$	3,930,843.62
BRACKETS & HARDWARE				\$	40,000.00
GRAND TOTAL				\$	3,970,843.62

* All pricing reflects 2011 Knoll product price increase to accommodate Phase 2 installation.

a Herman Miller dealer

**Alfred Williams
& Company**



August 27, 2010

Mr. Peri Manns
Durham County Purchasing Division
200 East Main Street
Durham, NC 27701

Re: Durham County Human Services Clinical Casework – US Communities Contract

Dear Peri,

Alfred Williams & Co. is pleased to submit our Clinical Casework proposal for your new Durham County Human Services Building. We are excited to have this opportunity and thank you for including our organization in your project. We are confident Alfred Williams & Co.'s ability to provide superior customer service and high quality furnishings results in the best total package for Durham County Human Services.

Alfred Williams has been recognized as having the highest customer service satisfaction rating in the entire Herman Miller dealer network for the last three years. Our cross functional team structure, full time certified installation staff, our breadth of service capabilities and innovative work styles attribute to our success and leadership in the market.

Our experienced team, with over 75 combined years of industry knowledge, is eager to work with you. The U.S. Communities Contract (Fairfax, VA) pricing is quoted for this Durham County Human Services project. We look forward to a long relationship with you.

If you have any questions or need clarification please feel free to call.

Respectfully submitted,

Elise Ingram Olsen, Associate IIDA
Account Manager
Alfred Williams & Co.

alfredwilliams

1853 Capital Boulevard
Raleigh, NC 27604
919.832.9570
919.832.7626 fax

Durham County Human Services Center

Alfred Williams & Co - Herman Miller Clinical Casework Summary

8/27/2010

Purchased under US Communities Contract (Fairfax, VA)

Department	Total
Floor 1 TB	\$57,123.92
Floor 1 Pharmacy	\$85,530.25
Floor 1 Adult Services	\$146,059.13
Floor 1 Employee Health	\$12,659.34
Floor 1 Lab	\$144,889.55
Floor 2	<u>\$374,709.80</u>
Total	\$820,971.99

*Note:

Pricing per drawings reviewed with The Freelon Group on 8-26-10

Pricing per finishes reviewed with The Freelon Group on 7-16-10

Sinks to be provided by owner. Template for sink provided by Plumber or sink manufacturer to AWC.

Electrical hook up in Nurse's stations to be hard wired to building system by owner.

Electrical outlets for H frames in Nurse's station to be provided by owner.

Data wiring and outlets by owner.



9j

**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Approval of the contracts for the Purchase of Furniture for Phase I of the Durham County Human Services Building. Project No: DC070, Bid No: IFB 11-002

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is requested authorize the County Manager to enter into contracts with the following furniture suppliers for the purchase of furniture for Phase I of the Durham County Human Services (DCHS) building located at 414 East Main St., Durham and to execute any other related contracts, if necessary, not to exceed the budget of \$435,691.49. (See Attachment 1, Pages 1-5)

(I) Interior Systems:	\$ 188,153.00 (Furniture Package A)
(II) Price Modern:	\$ 29,021.09 (Furniture Package B)
(III) Institutional Interiors:	\$ 156,768.00 (Furniture Package C)
(IV) Price Modern:	\$ 22,141.09 (Furniture Package D)
Furniture Subtotal:	\$ 396,083.18
Contingencies:	\$ 39,608.31
Total:	\$ 435,691.49

The Durham County Human Services (DCHS) furniture package was advertised in local newspapers on July 24, 2010. Eight (8) bids were received, publicly opened, and read on August 19, 2010 at 2:00 p.m. (See Attachment 1, Pages 3 & 4, Bid Summary Sheets). Interior Systems, Price Modern & Institutional Interiors submitted the lowest combined prices for the furniture packages A, B, C & D base bids in the amount of \$396,083.18 which is within the furniture budget for the project. Award of the bids are based on the lowest base price for all items under each designated furniture package grouping. Each furniture package will be awarded in its entirety to the apparent low bidder of each grouping for consistency of fabrication, finishes, dye lots, and installation. No bid will be awarded for individual items within a furniture package. The Engineering Department has reviewed the bid proposals with the Purchasing Department, The Freelon Group Architects, P.A. and recommends that the County proceed with the items described in (Attachment 2, Pages 1 – 15) and award contracts to Interior Systems, Price Modern, and Institutional Interiors.

The construction contract for the DCHS Building was awarded to New Atlantic Contracting Co., Inc. on October 13, 2008. The construction of Phase I of the DCHS Building is currently scheduled for substantial completion in January 2011, which allows for the furniture, IT and associated installations to begin. The delivery and installation period for this contract is scheduled for completion by February 2011.

Durham County established the following goals for the expenditure of funds with M/WBEs for this project:

Ethnicity/Race/Gender Industry	African American	Asian American	Hispanic American	Native American	Women-Owned
Goods/Supplies	N/A	N/A	N/A	N/A	12.05%

In review of the M/WBE participation for this project, there will be 61.3% proposed participation on this project. The furniture suppliers will be utilizing 47% Women Owned, and 13% African American, and 6.3% Hispanic on this project, and they have provided responsive bids.

RESOURCE PERSON(S): Glen Whisler, P.E., County Engineer; Zena Howard, AIA, The Freelon Group Architects, P.A.; Ademola Shobande Assoc. AIA, Senior Project Manager; Peri Manns ASLA, Project Manager and Pamela Gales, Assistant Purchasing Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board authorize execution of contracts with Interior Systems, Price Modern, and Institutional Interiors for the purchase of furniture for Phase I of the Durham County Human Services Building in the total amount of \$396,083.18 (Base Bid) and execution of any other related contracts/services, if necessary, not to exceed the budget of \$435,691.49.

County Manager: Richard M. Rappin

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

"ATTACHMENT 1"

FREELON

August 24, 2010

IFB# 11-002

Peri Manns
 Project Manager
 Durham County Engineering
 120 East Parrish Street, Suite 100
 Durham, NC 27701

RE: Durham County Human Services Furniture Package – Phase I
Architect's Formal Recommendation of Award

Dear Mr. Manns:

The 72-hour period for withdrawal of bids expired on August 24, 2010 for the above referenced project. A summary of the lowest apparent responsive, responsible bidder for the packages is as follows:

Furniture Package A:

Seven bids were received. Two of the seven bids were "No Bid". The Freelon Group considers all five of the bids received to be compliant with the Instructions to Bidders. Upon evaluation of all packages received, the lowest apparent responsive, responsible bid was from Interior Systems in the amount of \$188,153.00. It is Freelon's recommendation that Interior Systems be awarded the contract for Furniture Package A.

Furniture Package B:

Seven bids were received. One of the seven bids was a "No Bid". The Freelon Group considers all six of the bids received to be compliant with the Instructions to Bidders. Upon evaluation of all packages received, the lowest apparent responsive, responsible bid was from Price Modern Carolina in the amount of \$29,021.09. It is Freelon's recommendation that Price Modern Carolina be awarded the contract for Furniture Package B.

Furniture Package C:

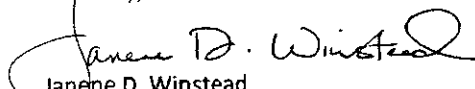
Seven bids were received. One of the seven bids was a "No Bid". The Freelon Group considers all six of the bids received to be compliant with the Instructions to Bidders. Upon evaluation of all packages received, the lowest apparent responsive, responsible bid was from Institutional Interiors in the amount of \$156,768.00. It is Freelon's recommendation that Institutional Interiors be awarded the contract for Furniture Package C.

Furniture Package D:

Six bids were received. Two of the six bids were "No Bid". The Freelon Group considers all four of the bids received to be compliant with the Instructions to Bidders. Upon evaluation of all packages received, the lowest apparent responsive, responsible bid was from Price Modern Carolina in the amount of \$22,141.09. It is Freelon's recommendation that Price Modern Carolina be awarded the contract for Furniture Package D.

Please do not hesitate to contact me should you have any questions.

Sincerely,


 Jangne D. Winstead
 Associate

Enclosures: Certified Bid Tabulation
 Bid Opening Sign-In Sheet

Cc: Zena Howard, Associate Principal
 Paul Banta, Project Manager

Furniture Contractors

Company Name	Alfred Williams & Co.	Carolina Business Interiors	STORR Office Environments	Interior Systems	Institutional Interiors	Price Modern Carolina	Brame Specialty Company	Edge Office
License No.								
Bid Form	V	V	V	V		V		
Non Collusion Affidavit	V	V	V	V		V		
Bid Deposit	V	V	V	V		V		
Power of Attorney								
M/WBE Appendices	V	V	V	V		V		
Vendor Application/W-9 Form	V	V	V	V		V		
No Bid/Proposal Reply Form							V	V
Addendum #1	V	V	V	V		V		
Addendum #2	V	V	V	V		V		
Addendum #3	V	V	V	V		V		
Addendum #4	V	V	V	V		V		
Base Bid:	\$214,595.88	\$220,454.33	\$196,161.19	\$188,153.00	\$0.00	\$188,193.48	\$0.00	\$0.00
TOTAL	\$214,595.88	\$220,454.33	\$196,161.19	\$188,153.00	\$0.00	\$188,193.48	\$0.00	\$0.00

I certify that the above is a true and accurate tabulation of the bids received and opened at 2:00 p.m. on August 19, 2010.

The Freelon Group, P.A.
Design Consultant

Signature *James D. Winstead*

Furniture Contractors

Company Name	Alfred Williams & Co.	Carolina Business Interiors	STORR Office Environments	Interior Systems	Institutional Interiors	Price Modern Carolina	Brane Specialty Company	Edge Office
License No.								
Bid Form	✓	✓	✓		✓	✓	✓	
Non Collusion Affidavit	✓	✓	✓		✓	✓	✓	
Bid Deposit	✓	✓	✓		✓	✓	✓	
Power of Attorney								
M/WBE Appendices	✓	✓	✓		✓	✓	✓	
Vendor Application/W-9 Form	✓	✓	✓		✓	✓	✓	
No Bid/Proposal Reply Form								✓
Addendum #1	✓	✓	✓		✓	✓	✓	
Addendum #2	✓	✓	✓		✓	✓	✓	
Addendum #3	✓	✓	✓		✓	✓	✓	
Addendum #4	✓	✓	✓		✓	✓	✓	
Base Bid:	\$29,970.85	\$37,413.24	\$37,414.91	\$0.00	\$29,747.00	\$29,021.09	\$35,418.00	\$0.00
TOTAL	\$29,970.85	\$37,413.24	\$37,414.91	\$0.00	\$29,747.00	\$29,021.09	\$35,418.00	\$0.00

I certify that the above is a true and accurate tabulation of the bids received and opened at 2:00 p.m. on August 19, 2010.

The Freelon Group, P.A.
Design Consultant

Signature *James D. Winstanley*

Furniture Contractors

Company Name	Alfred Williams & Co.	Carolina Business Interiors	STORR Office Environments	Interior Systems	Institutional Interiors	Price Modern Carolina	Brame Specialty Company	Edge Office
License No.								
Bid Form	✓	✓	✓		✓	✓	✓	
Non Collusion Affidavit	✓	✓	✓		✓	✓	✓	
Bid Deposit	✓	✓	✓		✓	✓	✓	
Power of Attorney								
M/WBE Appendices	✓	✓	✓		✓	✓	✓	
Vendor Application/W-9 Form	✓	✓	✓		✓	✓	✓	
No Bid/Proposal Reply Form								✓
Addendum #1	✓	✓	✓		✓	✓	✓	
Addendum #2	✓	✓	✓		✓	✓	✓	
Addendum #3	✓	✓	✓		✓	✓	✓	
Addendum #4	✓	✓	✓		✓	✓	✓	
Base Bid:	\$165,464.40	\$160,709.96	\$166,708.36	\$0.00	\$156,768.00	\$164,914.14	\$166,190.00	\$0.00
TOTAL	\$165,464.40	\$160,709.96	\$166,708.36	\$0.00	\$156,768.00	\$164,914.14	\$166,190.00	\$0.00

I certify that the above is a true and accurate tabulation of the bids received and opened at 2:00 p.m. on August 19, 2010.

The Freelon Group, P.A.
 Design Consultant

Signature: *James D. Henderson*

Furniture Contractors

License No.	Company Name	Alfred Williams & Co.	Carolina Business Interiors	STORR Office Environments	Interior Systems	Institutional Interiors	Price Modern Carolina	Brame Specialty Company	Edge Office
	Bid Form	✓	✓	✓			✓		
	Non Collusion Affidavit	✓	✓	✓			✓		
	Bid Deposit	✓	✓	✓			✓		
	Power of Attorney								
	M/WBE Appendices	✓	✓	✓			✓		
	Vendor Application/W-9 Form	✓	✓	✓			✓		
	No Bid/Proposal Reply Form							✓	✓
	Addendum #1	✓	✓	✓			✓		
	Addendum #2	✓	✓	✓			✓		
	Addendum #3	✓	✓	✓			✓		
	Addendum #4	✓	✓	✓			✓		
	Base Bid:	\$23,022.60	\$25,067.81	\$23,384.37	\$0.00	\$0.00	\$22,141.09	\$0.00	\$0.00
	TOTAL	\$23,022.60	\$25,067.81	\$23,384.37	\$0.00	\$0.00	\$22,141.09	\$0.00	\$0.00

I certify that the above is a true and accurate tabulation of the bids received and opened at 2:00 p.m. on August 19, 2010.

The Freelon Group, P.A.
Design Consultant

Signature

Julia D. Winters

"ATTACHMENT 2"

BID PROPOSAL FORM

Furniture Package A

The County of Durham invites your sealed bid for Furniture at Durham County Human Services Building (**IFB No.11-002**) to be opened at 2:00 P.M. on August 19, in Durham County Purchasing Division, Durham County Administrative Complex, 4th Floor, 200 East Main Street, Durham, North Carolina 27701. **Clearly identify on the outside of the sealed bid which furniture package you are submitting a bid.**

In accordance with the attached Instructions to Bidders and Specifications, we submit the following bid to the County of Durham. **DELIVERY TO BE F. O. B. DESTINATION.**

BIDDERS NAME: Interior Systems, Inc.

BASE BID PROPOSAL

The undersigned, as Bidder, hereby declares that the only person or persons interested in this Bid Proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this Bid Proposal or in the Contract to be entered into; that this Bid Proposal is made without connection with any other person, company or parties making a Bid or Proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the specifications for the work and the Contract Documents relative thereto, including Addenda, if any, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed.

The Bidder proposes and agrees if this Bid Proposal is accepted to contract with the County of Durham with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and Contract Documents, for the sum of:

BASE BID: Dollars (\$ 188,153.00)

In words One Hundred Eighty-Eight Thousand, One-Hundred Fifty-Three
Dollars and No Cents

Accompanying this Proposal is a Bid Deposit for \$ 9,500.00 which may take the form of cash, a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation, or a bond and must be in an amount equal to not less than five percent (5%) of the bid. **Each bid/contract requires a separate Bid Deposit.** The bond must be "executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand

FURNITURE PACKAGE A

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 1 – LB-1 Modular Lounge Furniture. Unit of Measurement: Each.	<u>1</u>	(\$ <u>5,157.00</u>)	(\$ <u>5,157.00</u>)
Item No. 2 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>38,379.00</u>)	(\$ <u>38,379.00</u>)
Item No. 3 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>10,817.00</u>)	(\$ <u>10,817.00</u>)
Item No. 4 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>4,151.00</u>)	(\$ <u>4,151.00</u>)
Item No. 5 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>14,829.00</u>)	(\$ <u>14,829.00</u>)
Item No. 6 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>11,862.00</u>)	(\$ <u>11,862.00</u>)
Item No. 7 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>27,807.00</u>)	(\$ <u>27,807.00</u>)
Item No. 8 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>11,296.00</u>)	(\$ <u>11,296.00</u>)
Item No. 9 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>8,159.00</u>)	(\$ <u>8,159.00</u>)
Item No. 10 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>25,110.00</u>)	(\$ <u>25,110.00</u>)
Item No. 11 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>1,707.00</u>)	(\$ <u>1,707.00</u>)
Item No. 12 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>2,821.00</u>)	(\$ <u>2,821.00</u>)
Item No. 13 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>13,452.00</u>)	(\$ <u>13,452.00</u>)
Item No. 14 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>7,560.00</u>)	(\$ <u>7,560.00</u>)

FURNITURE PACKAGE A

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 15 – LB-1 Modular Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>4,671.00</u>)	(\$ <u>4,671.00</u>)
Item No. 16 – ET-1 End Table Lounge Furniture Unit of Measurement: Each.	<u>1</u>	(\$ <u>375.00</u>)	(\$ <u>375.00</u>)

Additional items can be purchased at firm bid price until 90 days after installation.

DELIVERY POINT: 414 East Main Street, Durham NC 27701

Bidder proposes the following unit price that is not included in the total bid price:

Bonded Storage of all general furniture
Unit of Measurement: Weekly

Dollars (\$ 250.00*)

*First three (3) weeks free storage after receipt of materials; \$250.00 per week thereafter.

BID PROPOSAL FORM

Furniture Package B

The County of Durham invites your sealed bid for Furniture at Durham County Human Services Building (IFB No. 11-002) to be opened at 2:00 P.M. on August 19, 2010, in the Purchasing Division, Durham County Administrative Complex, 4th Floor, 200 East Main Street, Durham, North Carolina 27701. **Clearly identify on the outside of the sealed bid which furniture package you are submitting a bid.**

In accordance with the attached Instructions to Bidders and Specifications, we submit the following bid to the County of Durham. **DELIVERY TO BE F. O. B. DESTINATION.**

BIDDERS NAME: Price Modern Carolina

BASE BID PROPOSAL

The undersigned, as Bidder, hereby declares that the only person or persons interested in this Bid Proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this Bid Proposal or in the Contract to be entered into; that this Bid Proposal is made without connection with any other person, company or parties making a Bid or Proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the specifications for the work and the Contract Documents relative thereto, including Addenda, if any, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed.

The Bidder proposes and agrees if this Bid Proposal is accepted to contract with the County of Durham with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and Contract Documents, for the sum of:

BASE BID: Dollars (\$ 29,021.09)

In words twenty nine thousand and twenty one dollars and nine cents

Accompanying this Proposal is a Bid Deposit for \$ 1451.05, which may take the form of cash, a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation, or a bond and must be in an amount equal to not less than five percent (5%) of the bid. **Each bid/contract requires a separate Bid Deposit.** The bond must be "executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand

forthwith make payment to the obligee upon said bond if the bidder fails to execute the Contract in accordance with the Bid Bond, and upon failure to forthwith make payment to the surety shall pay to the obligee an amount equal to the amount of said bond" G.S. 143-129). Power of Attorney must accompany Bond. **Bid Deposit of unsuccessful bidders will be returned as soon as the Contract is awarded.**

The Bidder further proposes and agrees hereby to commence work under his Contract on a date to be specified in a written order of Durham County and shall fully complete all installation work there under within ten (10) consecutive calendar days. Applicable liquidated damages shall be as stated in General Conditions.

The Bidder proposes the following unit prices for work as described in the contract documents. The unit prices are to apply as additive or deductive prices.

FURNITURE PACKAGE B

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 1 – TC-1 Task Chair Unit of Measurement: Each.	<u>25</u>	(\$ <u>320.67</u>)	(\$ <u>8016.75</u>)
Item No. 2 – ST-1 Task Stool Unit of Measurement: Each.	<u>33</u>	(\$ <u>356.54</u>)	(\$ <u>11765.82</u>)
Item No. 3 – CH-1 Coat Hooks Unit of Measurement: Each.	<u>4</u>	(\$ <u>156.12</u>)	(\$ <u>624.46</u>)
Item No. 4 – BB-1 Bulletin Board Unit of Measurement: Each.	<u>16</u>	(\$ <u>248.87</u>)	(\$ <u>3981.84</u>)
Item No. 5 – CF-3 Children's Stool Unit of Measurement: Each.	<u>10</u>	(\$ <u>120.16</u>)	(\$ <u>1201.60</u>)
Item No. 6 – CF-8 Children's Table Unit of Measurement: Each.	<u>1</u>	(\$ <u>1259.45</u>)	(\$ <u>1259.45</u>)
Item No. 7 – CF-10 Children's Table Unit of Measurement: Each.	<u>2</u>	(\$ <u>764.37</u>)	(\$ <u>1528.74</u>)
Item No. 8 – CF-11 Children's Table Unit of Measurement: Each.	<u>1</u>	(\$ <u>642.43</u>)	(\$ <u>642.43</u>)

Additional items can be purchased at firm bid price until 90 days after installation.

DELIVERY POINT: 414 East Main Street, Durham NC 27701.

Bidder proposes the following unit price that is not included in the total bid price:

Bonded Storage of all general furniture
Unit of Measurement: Weekly

Dollars (\$ 290-)

BID PROPOSAL FORM

Furniture Package C

The County of Durham invites your sealed bid for Furniture at Durham County Human Services Building (IFB No. 11-002) to be opened at 2:00 P.M. on August 19, 2010, in the Purchasing Division, Durham County Administrative Complex, 4th Floor, 200 East Main Street, Durham, North Carolina 27701. **Clearly identify on the outside of the sealed bid which furniture package you are submitting a bid.**

In accordance with the attached Instructions to Bidders and Specifications, we submit the following bid to the County of Durham. **DELIVERY TO BE F. O. B. DESTINATION.**

BIDDERS NAME: INSTITUTIONAL INTERIORS INC

BASE BID PROPOSAL

The undersigned, as Bidder, hereby declares that the only person or persons interested in this Bid Proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this Bid Proposal or in the Contract to be entered into; that this Bid Proposal is made without connection with any other person, company or parties making a Bid or Proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the specifications for the work and the Contract Documents relative thereto, including Addenda, if any, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed.

The Bidder proposes and agrees if this Bid Proposal is accepted to contract with the County of Durham with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and Contract Documents, for the sum of:

BASE BID: Dollars (\$ 156,768.00)

In words ONE HUNDRED FIFTY-SIX THOUSAND SEVEN HUNDRED SIXTY-EIGHT
DOLLARS.

Accompanying this Proposal is a Bid Deposit for \$ 7,838.40, which may take the form of cash, a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation, or a bond and must be in an amount equal to not less than five percent (5%) of the bid. **Each bid/contract requires a separate Bid Deposit.** The bond must be "executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand

forthwith make payment to the obligee upon said bond if the bidder fails to execute the Contract in accordance with the Bid Bond, and upon failure to forthwith make payment to the surety shall pay to the obligee an amount equal to the amount of said bond" G.S. 143-129). Power of Attorney must accompany Bond. **Bid Deposit of unsuccessful bidders will be returned as soon as the Contract is awarded.**

The Bidder further proposes and agrees hereby to commence work under his Contract on a date to be specified in a written order of Durham County and shall fully complete all installation work there under within ten (10) consecutive calendar days. Applicable liquidated damages shall be as stated in General Conditions.

The Bidder proposes the following unit prices for work as described in the contract documents. The unit prices are to apply as additive or deductive prices.

Attachment 2 – Addendum No. 3 – IFB 11-002FURNITURE PACKAGE C – “REVISED” #2

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 15– CF-6 Seat Pod Unit of Measurement: Each.	<u>2</u>	(\$ <u>452.5</u>)	(\$ <u>904.5</u>)
Item No. 16 – CF-7 Storage Cube Unit of Measurement: Each.	<u>7</u>	(\$ <u>154.5</u>)	(\$ <u>1078.5</u>)
Item No. 17 – CF-9 Activity Table Unit of Measurement: Each.	<u>1</u>	(\$ <u>220.5</u>)	(\$ <u>220.5</u>)
Item No. 18 – CF-12 Modular End Table Unit of Measurement: Each.	<u>2</u>	(\$ <u>319.5</u>)	(\$ <u>638.5</u>)
Item No. 19– CF-13 Modular Corner Table Unit of Measurement: Each.	<u>1</u>	(\$ <u>533.5</u>)	(\$ <u>533.5</u>)
Item No. 20 – CF-14 Activity Cube/Play Island Unit of Measurement: Each.	<u>1</u>	(\$ <u>1664.5</u>)	(\$ <u>1664.5</u>)
Item No. 21 – CF-15 Activity Cube/Play Island Unit of Measurement: Each.	<u>1</u>	(\$ <u>2043.5</u>)	(\$ <u>2043.5</u>)
Item No. 22 – CF-16 Activity Cube/Play Island Unit of Measurement: Each.	<u>1</u>	(\$ <u>1993.5</u>)	(\$ <u>1993.5</u>)
Item No. 23 –CF-17 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>442.5</u>)	(\$ <u>442.5</u>)
Item No. 24 –CF-18 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>442.5</u>)	(\$ <u>442.5</u>)
Item No. 25 – CF-19 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>442.5</u>)	(\$ <u>442.5</u>)
Item No. 26– CF-20 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>425.5</u>)	(\$ <u>425.5</u>)
Item No. 27 – CF-21 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>588.5</u>)	(\$ <u>588.5</u>)
Item No. 28 – CF-22 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>539.5</u>)	(\$ <u>539.5</u>)

FURNITURE PACKAGE C

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 29 – CF-23 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>430.</u> ⁵)	(\$ <u>430.</u> ⁵)
Item No. 30 – CF-24 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>432.</u> ⁵)	(\$ <u>432.</u> ⁵)
Item No. 31 – CF-25 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>416.</u> ⁵)	(\$ <u>416.</u> ⁵)
Item No. 32 – CF- 26 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>377.</u> ⁵)	(\$ <u>377.</u> ⁵)
Item No. 33– CF-27 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>303.</u> ⁵)	(\$ <u>303.</u> ⁵)
Item No. 34 – CF-28 Wall Activity Board Unit of Measurement: Each.	<u>1</u>	(\$ <u>303.</u> ⁵)	(\$ <u>303.</u> ⁵)
Item No. 35 – GL-1 Glider Unit of Measurement: Each.	<u>1</u>	(\$ <u>1949.</u> ⁵)	(\$ <u>1949.</u> ⁵)
Item No. 36– PC-1 Patient Chair Unit of Measurement: Each	<u>71</u>	(\$ <u>272.</u> ⁵)	(\$ <u>19,312.</u> ⁵)
Item No. 37– PC-1A Patient Chair Unit of Measurement: Each	<u>9</u>	(\$ <u>397.</u> ⁵)	(\$ <u>3573.</u> ⁵)
Item No. 38– PC-2 Patient Chair Unit of Measurement: Each	<u>8</u>	(\$ <u>253.</u> ⁵)	(\$ <u>2024.</u> ⁵)
Item No. 38– ST-2 Stool Unit of Measurement: Each	<u>9</u>	(\$ <u>402.</u> ⁵)	(\$ <u>3618.</u> ⁵)

Additional items can be purchased at firm bid price until 90 days after installation.

DELIVERY POINT: 414 East Main Street, Durham NC 27701

Bidder proposes the following unit price that is not included in the total bid price:

Bonded Storage of all general furniture
Unit of Measurement: Weekly

Dollars (\$ 100.⁰⁰)

Attachment 1 – Addendum No. 3 – IFB 11-002FURNITURE PACKAGE C – “REVISED” #2

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 1 – MA-1 Monitor Arm Unit of Measurement: Each.	<u>358</u>	<u>(\$ 97.-)</u>	<u>(\$34,726.-)</u>
Item No. 2 – MA-1A Monitor Arm Unit of Measurement: Each.	<u>14</u>	<u>(\$ 97.-)</u>	<u>(\$1358.-)</u>
Item No. 3 – TL-1 Task Light Unit of Measurement: Each.	<u>358</u>	<u>(\$ 146.-)</u>	<u>(\$52,268.-)</u>
Item No. 4 – CT-1 Changing Table Unit of Measurement: Each.	<u>1</u>	<u>(\$544.-)</u>	<u>(\$544.-)</u>
Item No. 5– FST-1 Nursing Foot Stool Unit of Measurement: Each.	<u>1</u>	<u>(\$ 44.-)</u>	<u>(\$ 44.-)</u>
Item No. 6 – FF-1 Flat Files Unit of Measurement: Each.	<u>6</u>	<u>(\$1021.-)</u>	<u>(\$6126.-)</u>
Item No. 7– FF-1 Flat File Base Unit of Measurement: Each.	<u>3</u>	<u>(\$ 141.-)</u>	<u>(\$ 423.-)</u>
Item No. 8 – FF-1 Flat File Cap Unit of Measurement: Each.	<u>3</u>	<u>(\$ 225.-)</u>	<u>(\$ 675.-)</u>
Item No. 9 – SH-1 Metal Shelf Unit of Measurement: Each.	<u>24</u>	<u>(\$ 250.-)</u>	<u>(\$6000.-)</u>
Item No. 10 – SH-2 Metal Shelf Unit of Measurement: Each.	<u>14</u>	<u>(\$ 337.-)</u>	<u>(\$ 4,718.-)</u>
Item No. 11 – CF-1 Bubble Mirror Unit of Measurement: Each.	<u>2</u>	<u>(\$350.-)</u>	<u>(\$700.-)</u>
Item No. 12 – CF-2 Children’s Modular Seat Unit of Measurement: Each.	<u>4</u>	<u>(\$ 609.-)</u>	<u>(\$2436.-)</u>
Item No. 13 – CF-4 Seat Pod Unit of Measurement: Each.	<u>1</u>	<u>(\$ 314.-)</u>	<u>(\$ 314.-)</u>
Item No. 14 – CF-5 Seat Pod Unit of Measurement: Each.	<u>2</u>	<u>(\$ 374.-)</u>	<u>(\$ 748.-)</u>

BID PROPOSAL FORM

Furniture Package D

The County of Durham invites your sealed bid for Furniture at Durham County Human Services Building (IFB No. 11-002) to be opened at 2:00 P.M. on August 19, 2010, in the Purchasing Division, Durham County Administrative Complex, 4th Floor, 200 East Main Street, Durham, North Carolina 27701. **Clearly identify on the outside of the sealed bid which furniture package you are submitting a bid.**

In accordance with the attached Instructions to Bidders and Specifications, we submit the following bid to the County of Durham. **DELIVERY TO BE F. O. B. DESTINATION.**

BIDDERS NAME: Price Modern Carolina

BASE BID PROPOSAL

The undersigned, as Bidder, hereby declares that the only person or persons interested in this Bid Proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this Bid Proposal or in the Contract to be entered into; that this Bid Proposal is made without connection with any other person, company or parties making a Bid or Proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the specifications for the work and the Contract Documents relative thereto, including Addenda, if any, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed.

The Bidder proposes and agrees if this Bid Proposal is accepted to contract with the County of Durham with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and Contract Documents, for the sum of:

BASE BID: Dollars (\$ 22,141.09)

In words twenty two thousand, one hundred forty one dollars and nine cent

Accompanying this Proposal is a Bid Deposit for \$ 1,107.05, which may take the form of cash, a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation, or a bond and must be in an amount equal to not less than five percent (5%) of the bid. **Each bid/contract requires a separate Bid Deposit.** The bond must be "executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand

forthwith make payment to the obligee upon said bond if the bidder fails to execute the Contract in accordance with the Bid Bond, and upon failure to forthwith make payment to the surety shall pay to the obligee an amount equal to the amount of said bond" G.S. 143-129). Power of Attorney must accompany Bond. **Bid Deposit of unsuccessful bidders will be returned as soon as the Contract is awarded.**

The Bidder further proposes and agrees hereby to commence work under his Contract on a date to be specified in a written order of Durham County and shall fully complete all installation work there under within ten (10) consecutive calendar days. Applicable liquidated damages shall be as stated in General Conditions.

The Bidder proposes the following unit prices for work as described in the contract documents. The unit prices are to apply as additive or deductive prices.

FURNITURE PACKAGE D

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 1 – MR-1 Sort Mailbox Unit of Measurement: Each.	<u>1</u>	(\$ <u>1787.56</u>)	(\$ <u>1787.56</u>)
Item No. 2 – MR-2 Full Shelf Console Unit of Measurement: Each.	<u>4</u>	(\$ <u>1073.66</u>)	(\$ <u>4294.64</u>)
Item No. 3 – MR-2 Console Shelf Unit of Measurement: Each.	<u>2</u>	(\$ <u>142.95</u>)	(\$ <u>285.90</u>)
Item No. 4 – MR-3 Full Shelf Console with Caster Unit of Measurement: Each.	<u>3</u>	(\$ <u>1500.06</u>)	(\$ <u>4500.18</u>)
Item No. 5 – MR-3 Console Shelf Unit of Measurement: Each.	<u>1</u>	(\$ <u>187.07</u>)	(\$ <u>187.07</u>)
Item No. 6 – MR-4 Full Shelf Console Adj. Legs Unit of Measurement: Each.	<u>4</u>	(\$ <u>1021.01</u>)	(\$ <u>4084.04</u>)
Item No. 7 – MR-5 Basic Console Adj. Legs Unit of Measurement: Each.	<u>1</u>	(\$ <u>788.09</u>)	(\$ <u>788.09</u>)
Item No. 8 – MR-6 Legal Size Sort Module Unit of Measurement: Each.	<u>4</u>	(\$ <u>1255.98</u>)	(\$ <u>5023.92</u>)
Item No. 9 – DR-1 Dump Rims 72" W Unit of Measurement: Each.	<u>3</u>	(\$ <u>65.25</u>)	(\$ <u>195.74</u>)
Item No. 10 – DR-1 Dump Rims 36"D Unit of Measurement: Each.	<u>6</u>	(\$ <u>47.74</u>)	(\$ <u>286.42</u>)
Item No. 11 – DR-1 Dump Rims 48"W Unit of Measurement: Each.	<u>4</u>	(\$ <u>44.23</u>)	(\$ <u>176.93</u>)
Item No. 8 – DR-1 Dump Rims 30"D Unit of Measurement: Each.	<u>4</u>	(\$ <u>52.64</u>)	(\$ <u>210.56</u>)
Item No. 9 – DR-1 Dump Rims "L" Bracket Unit of Measurement: Each.	<u>10</u>	(\$ <u>7.11</u>)	(\$ <u>71.12</u>)

FURNITURE PACKAGE D

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Item No. 10 – DR-1 Dump Rims “H” Bracket Unit of Measurement: Each.	<u>2</u>	(\$ <u>7.11</u>)	(\$ <u>14.22</u>)

Additional items can be purchased at firm bid price until 90 days after installation.

DELIVERY POINT: 414 East Main Street, Durham NC 27701

Bidder proposes the following unit price that is not included in the total bid price:

Bonded Storage of all general furniture
Unit of Measurement: Weekly

Dollars (\$ 290⁻)



9k

**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Execution of the Security System Installation Contract for the New Durham County Human Services Project No.: DC070, IFB No: 10-027.

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is hereby requested to authorize the County Manager to enter into a contract with Schneider Electric Building Americas, Inc. (Schneider Electric) for the security system installation at the Durham County Human Services (DCHS) building located at 414 East Main St. Durham, North Carolina in the amount of \$628,490.00 (Base Bid only), and to execute any other related contracts including change orders, if necessary, not to exceed the project budget of \$678,769.20 (See Attachment 1, Page 1 - 11).

Solicitation for bids for the DCHS building security system was advertised on April 28, 2010 and a Pre-Bid Conference was held on May 5, 2010 at 10:00 A.M. A public opening and reading of bids was held on May 25, 2010. Schneider Electric submitted a bid in the amount of \$929,594.00 (base bid only). Bids exceed the anticipated cost and the project team modified the design without jeopardizing the integrity of the system in order to bring the bid closer to the available budget for this portion of the project. After detailing the value engineering recommendations, the bid price was reduced to \$628,490.00. The basis of design is the Andover system which is currently used throughout most County-owned facilities. This allows the card access administration to be executed in one system which reduces training and supporting costs. A single database is significantly easier and therefore less costly to manage, maintain and operate. An integrated county-wide security system enhances the ability to maintain a high level of security and further supports development of consistent and effective standards of security for all County facilities. The County has consistently used this system for card access and building automation. The Andover system currently provides this for the Main Library, Detention Center, Stanford L. Warren Library, Judicial Building, Judicial Building Annex, the North, East, South and Southwest Regional Libraries, Durham Center Access and the Criminal Justice Resource Center. One access card permits access and records events in each of these facilities to a single, central database, depending on the access authorization granted by the facility management.

Durham County established the following goals for the expenditure of funds with M/WBEs:

Ethnicity/Race/Gender Industry	African American	Asian American	Hispanic American	Native American	Women-Owned
Goods/Supplies	N/A	N/A	N/A	N/A	12.05%

In review of the M/WBE participation for this project, Schneider Electric will be utilizing 10.5% African American on this project, and they have provided a responsive bid.

The Engineering Department has reviewed the bid proposals with the Purchasing Department and The Freelon Group Architects, P.A., and recommends that the County proceed with base bid work and award the contract to Schneider Electric. Funding for this project is available in the Durham County Human Services Capital Project account. Completion of this project would provide the installation of a security and card access system in the facility. This will provide safety to both the staff and citizens utilizing the

facility. The construction of Phase I of the DCHS Building is currently scheduled for substantial completion in January 2011 and the Phase II in April 2012.

RESOURCE PERSONS: Glen Whisler, P.E., County Engineer; Ademola Shobande, Assoc. AIA, Sr. Project Manager, Peri Manns, ASLA, Project Manager Engineering Department; Don Hasselbach, Assistant Director of General Services; Pamela Gales, Assistant Purchasing Manager and Zena Howard, AIA, The Freelon Group Architects, P.A.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board authorize the execution of contract with Schneider Electric Building Americas, Inc. for the security system installation at the Durham County Human Services (DCHS) building in the amount \$628,490.00 (Base Bid Only), and to execute any other related contracts including change orders, if necessary, not to exceed the project budget of \$678,769.20.

County Manager: Richard M. Reppin

		Motion	Yes	No
()	Approved	Bowser	_____	_____
()	Denied	Heron	_____	_____
		Howerton	_____	_____
		Page	_____	_____
		Reckhow	_____	_____

"ATTACHMENT 1"

FRELON

August 19, 2010

Glen Whisler
County Engineer
120 E. Parrish St., 1st Floor
Durham, NC 27701-3809

RE: Durham County Human Services Complex
Security Bid

Mr. Whisler:

We have reviewed the security bid received on May 25, 2010 from Schneider Electric with our security consultant, The Sextant Group, and offer the attached letter as a summary of our review and our recommendations for a direction forward. The attached letter is the result of weeks of design review, negotiations, and scope refinement undertaken to ensure the County receives the best value for the security system at the new Human Services facility. We agree with the findings of The Sextant Group and recommend that the County proceed with the measures documented in the attached letter.

If there is any additional information we can provide or questions we can answer, please do not hesitate to ask.

Sincerely,

THE FREELON GROUP, INC.



Zena Howard, AIA, LEED® AP
Associate Pricipal

WWW.FRELON.COM

T 919 941 9790
F 919 767 0144

THE FREELON GROUP | ARCHITECTS
POST OFFICE BOX 12876
RESEARCH TRIANGLE PARK, NC 27709

Mr. Todd Case
Associate
The Freelon Group
P.O. Box 12876
Research Triangle Park, NC 27709

PITTSBURGH
ATLANTA
NEW YORK
OMAHA
PHOENIX
SANTA BARBARA
WASHINGTON DC

Dear Todd:

1.0 Introduction

Bid Evaluation and Comparison to Opinion of Probable Cost

Security Scope Sub Categories	Opinion of Probable Cost 5/24/07	Apparent Low-Bidder Proposal	Cost Difference	% Difference
Access Control Systems ^{Note 1, 5}	\$601,125			
Video System	\$188,333			
Camera Adds since inception ^{Note 3, 4}	\$42,400			
Access Control Adds since inception ^{Note 2, 4}	\$45,000			
Total Access Control Systems ^{Note 1}	\$646,125	\$729,823	\$83,698	12.95%
Total Video System	\$230,733	\$199,771	-\$30,962	-13.42%
Grand Total	\$876,858.00	\$929,594	\$52,736	6.01%

Note 5: Door Hardware as itemized in the Determination of Probable Cost (\$89,410.00) not included in above calculations as it has been procured through a separate sub contract.

Initial analysis of the apparent low bidder's proposal appears to be in the acceptable and expected range based on the following historical accounting:

THE SEXTANT GROUP INC.
AV + IT + SECURITY
ACOUSTICS + LIGHTING
730 RIVER AVENUE
SUITE 600
PITTSBURGH PA 15212
V: 412.323.8580
F: 412.323.8538
www.TheSextantGroup.com

August 18, 2010

TO: Mr. Todd Case The Freelon Group

RE: Durham County, Human Services Complex
Security Systems Value Engineering Recommendations



ATLANTA
NEW YORK
OMAHA
PHOENIX
PITTSBURGH
SANTA BARBARA

1. The Design Team provided a design concept and cost estimate in 2007. This initial design concept was used to develop infrastructure requirements and subsequent infrastructure drawings, with the intent to install the necessary infrastructure to support the full security program.
2. This initial design included IT closets and restricted access to "back of house" areas from each reception area.
3. The concept was reviewed and a VE exercise was offered to reduce the design. Based on these recommendations, IT closets and "back of house" access from the reception areas along with courtyard doors were removed.
4. Scope was eventually expanded to include the original design during door hardware and meetings with the Owner and per The Freelon Group and Owners' request including:
 - Restrooms (restricted ones)
 - Monitoring of courtyard doors
 - IT closets (was electrical rooms then changed back to IT closets)
 - All interior "back of house" doors from each reception area

Based on the increase in scope and expected premium with respect to the proprietary Andover System (being the preferred software platform), it is our opinion that the apparent low-bidder's proposal is reasonable.

3.0 Recommended Cost Reduction Strategy

We understand that the cost of the system as proposed exceeds the budgeted amount for the system. Thus, we initially spoke with Ray Epperly at Schneider Electric in order to determine a potential cost savings for the Security Systems at Durham County Human Services Complex.

The cost reduction strategy outlined in this letter is consistent with a letter from Thomas A. Brewer of Schneider Electric dated August 6, 2010. This letter summarizes discussions on August 5, 2010 between Schneider Electric, Durham County Engineering, Durham County General Services, and The Freelon Group.

Schneider has offered a significantly reduced bid proposal with three major value engineering items utilizing a redesigned network and server approach based on insight learned after the bid process:

- A) Ethernet Architecture
- B) Server Consolidation
- C) Restructured Warranty

No security program or security system capabilities have been changed or reduced. The various users of the building will not notice a difference between the systems as originally designed and this new design. The network and server approach can be upgraded in the future if needed to support expanded systems.

The original Security Systems Base Bid by Schneider Electric dated 5/24/10 was \$929,594. Also, there was an add-alternate to increase video storage from 30 to 60 days for \$75,905. We recommend declining this add-alternate.

The following is a summary of the proposed value engineering items.

Value Engineering Item A: Ethernet Architecture

Schneider Electric has made the following network value engineering recommendations to reduce the Base Bid dated 5/24/10 for a total cost reduction of (\$284,474):

August 12, 2010

TO: Mr. Todd Case The Freelon Group

RE Durham County, Human Services Complex
Security Systems Value Engineering Recommendations



ATLANTA
NEW YORK
OMAHA
PHOENIX
PITTSBURGH
SANTA BARBARA

1. *Re-design the network architecture by scaling it back to 8 Cisco 2960, 24-port switches and one Cisco 3750 fiber router.*
2. *Install a switch in all four quadrants of the building on the 2nd floor.*
3. *Since all telecom rooms are stacked, the network connections needed for other floors can be pulled vertically to the switches.*
4. *Install the 3750 fiber router in Telecom 1103. This portion of Quadrant A will be available in Phase 1. (See attached diagram.)*
5. *[Schneider] also recommend[s that they] locate the large equipment racks in 1103 until Phase 2 is completed. Then [they] can relocate them with just a fiber connection to the security office.*

Value Engineering Item B: Server Consolidation

In addition, Schneider Electric offers **an additional cost reduction of (\$8,830)** for the following deletions and/or changes. This will allow card access administration to be executed in one consolidated network system:

6. *Delete the specified stand alone server and use the existing Durham County Andover server that currently has all other county access control (not including Detention Center). This is the server that is currently maintained by the county IT group and [has] been recently upgraded.*
7. *Please note the following:*
 - a. *Existing County IT back-up and archiving routines will incorporate the new Human Services data without adding additional service effort and cost.*
 - b. *Since the Andover BAS system is already specified and designed to be tied to the county network and server, the connection point is already designed to be in the facility and can be extended to the security system at no additional cost.*
 - c. *The heavy IT load of streaming video across the network is contained "inside" the facility on the security system segment of the network and will therefore not impact the performance, bandwidth, and speed of the county network.*
 - d. *With security a rising concern across the County, an integrated county-wide security system enhances the ability of exiting resources to effectively manage and operate at a higher level of security, and further supports development of consistent and effective standards of security of all facilities.*

Value Engineering Item C: Restructure Warranty

Further, Schneider has offered to reduce the warranty period from two years in each of the two phases to a one year from the date of substantial completion of Phase 2 (final phase) for the full scope of the job. This will extend warranty coverage for Phase 1 from the date of beneficial use through Phase 2 construction, but also remove the requirement for second year warranty coverage for Phase 2 construction. **This results in an additional cost reduction of (\$7,800).**

To summarize this section, Schneider Electric has recommended a solution that meets the security program requirements, for a cost of \$628,490.

4.0 Additional Cost Reduction Options

A number of other cost saving options have been explored. Unfortunately, each of these will reduce the level of protection offered by the system and *will not meet the requirements of DCHSC* as described to us by various representatives during project meetings.

The most promising of these options are below:

August 18, 2010

TO: Mr. Todd Case, The Freeman Group

RE: Durham County, Human Services Complex
Security Systems Value Engineering Recommendations

SEXTANT

ATLANTA
NEW YORK
OMAHA
PHOENIX
PITTSBURGH
SANTA BARBARA

1. Eliminate alarms or "sounders" from select interior doors, leaving exterior doors unchanged. Select interior doors would trigger an event with security staff monitoring the system but not sound an audible alarm. Estimated deduction: \$15,000.
2. Reduce the amount of video storage from 30 days to 15 days. This results in a more restricted ability to review video footage after an event. Estimated deduction: \$27,500.
3. Adjust warranty coverage from 24x7 to service during normal business hours. Estimated deduction: \$5,000. (This estimate is based on a deduction of approximately \$10,000 for reducing warranty coverage from two years to a single year, as described above.)
4. Eliminate 15 doors and 14 cameras added to the program during a meeting in June of 2009. These were not included in the initial discussions neither in 2007 nor in the initial conceptual system designs. Estimated deduction: \$75K.
5. Value engineer the entire approach and system design to meet an established target budget level. This will require a significant redesign effort by the design team and may require a re-bidding of the systems, furthering delaying the decision and contract award. Estimated deduction: TBD

Schneider Electric can generate pricing for Options 4.1, 4.2 and 4.3 above with minimal redesign required. Options 4.4 and 4.5 will require additional redesign fees for the Design Team and will add several weeks to the schedule, which is not advisable.

Recommendation

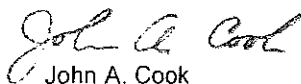
We recommend the county request formal bid documentation from Schneider Electric detailing the three value engineering recommendations (i.e. A, B & C) listed in Section 3 above, for a total price of \$628,490. Upon receipt of such documentation, we recommend the county award the Security Systems contract for the project to Schneider Electric. Further, we recommend this process proceed without delay.

Given that each of the options listed in Section 4 will reduce the level of protection offered by the systems and will not meet the requirements of DCHSC as described to us, we do *not* recommend that options presented in Section 4.

Please contact me at jcook@thesextantgroup.com or 412.323.8580 x208 should you wish to discuss this further.

Sincerely,

THE SEXTANT GROUP, INC.


John A. Cook

Vice President

cc: Zena Howard, Jeff Babich, Terry Robinette, file

BID PROPOSAL FORM

Building Security Package (RFP No. 10-027)

The County of Durham invites your sealed bid for the Security Package at Durham County Human Services Complex (IFB No. 10-027) to be opened at 2:00 P.M., on May 25, 2010, in the Purchasing Division, Durham County Administrative Complex, 4th Floor, 200 East Main Street, Durham, North Carolina 27701.

In accordance with the attached Instructions to Bidders and Specifications, we submit the following bid to the County of Durham.

BIDDERS NAME: Schneider Electric Buildings Americas, Inc.

BASE BID PROPOSAL

The undersigned, as Bidder, hereby declares that the only person or persons interested in this Bid Proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this Bid Proposal or in the Contract to be entered into; that this Bid Proposal is made without connection with any other person, company or parties making a Bid or Proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the specifications for the work and the Contract Documents relative thereto, including Addenda, if any, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed.

The Bidder proposes and agrees if this Bid Proposal is accepted to contract with the County of Durham with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and Contract Documents, for the sum of:

BASE BID: Dollars (\$ 929,594.00 **)**

In words Nine hundred twenty nine thousand five hundred ninety four dollar

The base bid is comprised of the following major categories whose sum total equals the BASE BID and entails all associated costs for a complete installation in accordance with the specifications.

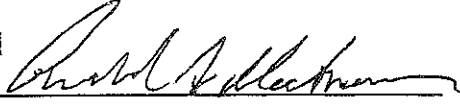
Fiber Optic Infrastructure Cabling as noted on T500 (not including active components or conduit).

Dollars (\$ 16,500.00 **)**

In words Sixteen thousand five hundred dollars

Date May 24, 2010

Authorized

Signature Schneider Electric Buildings Americas, Inc.

Name of Company

Address

2600 Perimeter Park Dr., Ste 150Morrisville, NC 27560Phone No. 919-388-1800Fax No.: 919-388-1888

ADDENDUM ACKNOWLEDGEMENT

Receipt of the following Addendum is acknowledged:

Addendum No. 1 Date: May 18, 2010Addendum No. Date: Addendum No. Date: Signature:  Date: May 24, 2010



August 6, 2010
Durham County Human Services Complex
 Building Security Package
 RFP# 10-027

The following information and discussion points summarize discussions held August 5th between Schneider Electric, Durham County Engineering, Durham County General Services, and Freelon Group, centering on Value Engineering opportunities and further conditions of the RFP.

Submitted by: Thomas A Brewer
 Schneider Electric
 Branch Manager

Value Engineering

After review of several VE items presented by Schneider Electric and the Sextant Group, the following items, relabeled as Items A, B, & C were selected as viable and desirable for consideration for incorporation into the project design and scope.

Base Bid	\$929,594
VE Item A	(\$284,474)
VE Item B	(\$8,830)
VE Item C	(\$7,800)
Total with VE	\$628,490

VE Item A – Ethernet Architecture

Re-design network architecture leveraging 8 Cisco 2960S 24 port switches and one Cisco 3750 fiber router. Install a switch in all four quadrants of the building on the 2nd floor. With telecom rooms stacked the network connections needed for other floors can be pulled vertically to the switches. Install the 3750 fiber router in Telecom Room 1103 – an area in Quadrant A in Phase 1 of construction. See attached diagram.

- The original design, while perfectly functional, invested significantly in network hardware costs well above and beyond delivering incremental performance value.
- This suggested design maintains 100% of specified security system bandwidth performance and speed.
- Revised design still provides system expansion capacity well beyond anticipated life cycle needs for additional security IP connections and data throughput. In the unlikely event that additional port expansion becomes necessary, it can be added by installing additional switches or hubs without price penalty for deferral at this time.

VE Item B – Server Consolidation

Delete the specified stand alone server and integrate to the existing Andover Continuum server supporting county-wide access control and building automation systems. The existing server is managed and maintained by Schneider Electric and the County IT

group and been recently upgraded. This server and software are sized and designed to handle a wide area application and will easily support the addition of this scope. Workstations (user interface points) will be furnished and installed in the new facility as originally specified.

Advantages of acceptance include:

- This will allow card access administration to be executed in one system, eliminating the time consuming (and often inconsistent) duplicate data entry and granting of access rights. Changes, such as an employee termination, will be able to be made at one place and propagate to all connected systems to restrict access, rather than having to manage either batch import/export routines or entry into dual systems.
- A single database is significantly easier and therefore less costly to manage, maintain, and operate.
- Reduces potential training and support costs
- Existing County IT back-up and archiving routines will incorporate the new Human Services data without adding additional service effort and cost.
- Since the Andover BAS system is already specified and designed to be tied to the county network and server, the connection point is already designed to be in the facility, and can be extended to the security system at no additional cost.
- The heavy IT load of streaming video across the network is contained "inside" the facility on the security system segment of the network and will therefore not impact the performance, bandwidth, and speed of the county network.
- With security as a rising concern across the County, an integrated county-wide security system enhances the ability of existing resources to effectively manage and operate at a higher level of security, and further supports development of consistent and effective standards of security for all facilities.

VE Item C – Restructure warranty

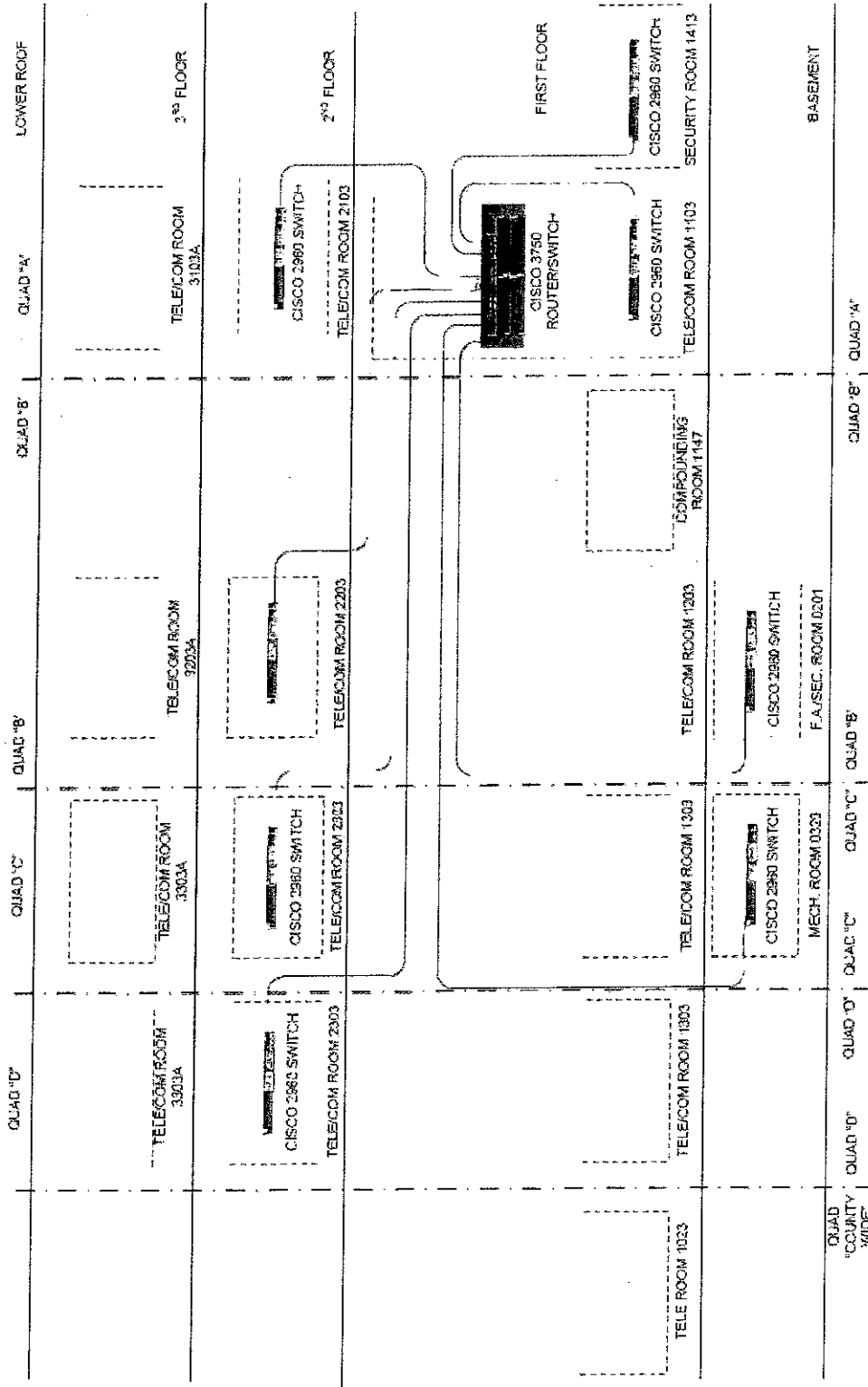
Revise the project warranty requirement from two years in each of two phases to one year from the date of substantial completion of Phase 2 (final phase) for the full scope of the job. This will extend warranty coverage for Phase 1 from the date of beneficial use, through Phase 2 construction, but also remove the requirement for second year warranty coverage for Phase 2 construction.

Other Discussion Points

- Assuming acceptance of VE items above, M/WBE participation will increase to 10.5%.
 - This scope includes two subcontracts, one to an MBE firm for furnishing and installing security system cabling. It should be noted that this work falls under the North Carolina Alarm System Licensing Board and must be performed by a firm licensed by the board with board-registered employees.
 - The 2nd, non MBE subcontract is to furnish and install the elevator traveling cable to integrate security functions into elevator operations – it is required that the elevator supplier execute this work.
 - All other work is self-performed by Schneider Electric employees.

- Award of this contract to Schneider Electric will avoid potential conflict with integrating 3rd party activity and scope into the existing County systems which are substantially under service agreements with Schneider Electric.
- Schneider Electric has been an active partner to the County in recent years in managing service contract expenditures, twice delivering concessions in light of current economic and budgetary constraints, while continuing to maintain high service and response levels.
- Schneider Electric has a significant and established presence in the area, including many major successful projects with Durham County. No other potential bidders have demonstrated their compliance with specified demonstrable experience and local personnel competency to support the County's security system.
- Award of this contract to Schneider Electric will ensure that the new facility will be populated with the established access card and reader standard for Durham County, furthering and supporting the consolidation effort to enable use of a consistent single and secure card (and access database) for each employee.

Network Riser Diagram for VE Item A





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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Execution of Consulting Services Agreement with Heery International, P.C. for the Moving Consulting Services for the Durham County Human Services Building Project No.: DC070: RFP No. 10-031

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is hereby requested to authorize the County Manager to enter into a contract with Heery International, P.C. (Heery) to provide moving consulting services for the new Durham County Human Services (DCHS) Building located at 414 East Main St. in the amount not to exceed \$73,183.00 and to execute any other related contracts including change orders, if necessary, not to exceed the budget of \$80,501.00 (See Attachment 1, Pages 1 & 2).

The request for proposals (RFP) for the moving consulting services was advertised on June 23, 2010. Three (3) responses were received on July 20, 2010 and were evaluated by a selection committee represented by The Freelon Group, Architects, P.A., the Purchasing Division and County Engineering. Heery was deemed the most qualified firm for the project and submitted a base price in the amount of \$73,183.00 for these services.

The purpose of this contract is to engage a professional to perform moving consulting services for planning a large scale move and associated coordination activities for this portion of the project. The move should be accomplished with a minimum lost of productive time for each agency. The consultant will help plan and execute the successful relocation of the Public Health, Durham Center and Social Services departments from various facilities throughout the County. The consultants scope of work is to include but is not limited to the following: initial project mobilization, site building surveys, data collection, inventory of all items to be moved and stored as surplus properties, development of a detailed phased relocation plan and move schedule (timeline), move implementation services to include scope of work for moving services, pre-move meetings & workshops, tagging, markings, coding, numbering, and other related tasks; coordination of the actual move schedule for each agency with movers, County staff, project architect and contractors; post-move management (punch-list warranty issues, etc.) and other related services.

The Phase I construction is underway. This phase will house the departments of Public Health, the Durham Center, building supports, electrical and mechanical rooms. The construction of Phase I of the DCHS building is currently scheduled for substantial completion in January 2011. Thereafter, the departments of Public Health, Durham Center and associated agencies will be moved to the new building. The schedule for completion of Phase II is April 2012. This phase will house the department of Social Services, Countywide meeting rooms and associated support areas. Also, the demolition of the existing Public Health building and completion of the surface parking is also part of this phase.

It is recommended that the County proceed with the execution of a consulting services agreement for the proposal dated July 20, 2010 in the total amount not to exceed \$73,183.00 and to execute any other related contracts including change orders, if necessary, not to exceed the budget of \$80,501.00. Durham County established the following goals for the expenditure of funds with M/WBEs:

Ethnicity/Race/Gender Industry	African American	Asian American	Hispanic American	Native American	Women-Owned
Other Professional Services	7.20	N/A	N/A	N/A	3.55%

In review of the M/WBE participation for this project, Heery International will be utilizing 12.6% African American, and 4.3% Women Owned Businesses on this project, and they have provided a responsive bid. Funding for this service is available in the Durham County Human Services Capital Project account.

RESOURCE PERSONS: Glen Whisler, P.E., County Engineer; Ademola Shobande, Assoc. AIA, Sr. Project Manager; Peri Manns, ASLA, Project Manager, Engineering Department; Pamela Gales, Assistant Purchasing Manager and David Waggoner, AIA, Vice President, Heery International, P.C.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board authorize the execution of a consulting services agreement with Heery International, P.C. to provide moving consulting services for the new Durham County Human Services Building in the amount not to exceed \$73,183.00 and to execute any other related contracts including change orders, if necessary, not to exceed the budget of \$80,501.00.

County Manager: _____

Richard M. Rapp

- () Approved
() Denied

	Motion	Yes	No
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

"ATTACHMENT 1"



PROPOSAL TABULATION

Request for Proposals For

**Moving Consultant Services for Durham County Human Services Complex
(RFP No. 10-031)**

**Due Date: July 20, 2010
2:00 P.M.**

Proposer/Bidder	Name of Contact	Proposed Cost
Excel Moving and Storage, Inc. 2612 Discovery Drive Raleigh, NC 27616	Ralph Marano Cell: 516.509.2114 Office: 336.346.3053	\$70,000.00
Heery International, P.C. 434 Fayetteville Street, Ste. 1500 Raleigh, NC 27601	David M. Waggoner, AIA Tel: 919.838.6755	\$73,183.00
Quantus, LLC 1120 East Blvd., Suite 100 Charlotte, NC 28203	Janet R. Williams Cell: 704.517.3237 Office: 704.377.0629, Ext 102	\$180,00.00

ATTACHMENT 3 - Addendum No. 1

Attachment BREVISEDPROPOSAL FORM

The County of Durham invites your proposal to provide Moving Consultant Services for Durham County Human Services Complex to be received until **2:00 P.M., on July 20, 2010**, in the Purchasing Division, County of Durham Administrative Complex, 4th Floor, 200 East Main Street, Durham, North Carolina 27701

In accordance with the attached instructions, terms, conditions, and specifications, we submit the following proposal to the County of Durham.

PROPOSED COST:

Lump Sum Price (Phases I & II Moving Consulting Services): \$ 73,183

I certify that the contents of this proposal are known to no one outside the firm, and to the best of my knowledge all requirements have been complied with.

Date: 7-20-10

Authorized Signature: _____

David M. Waggoner

 David M. Waggoner
 Signature - Typed/Printed

 Vice President

 Title

 Heery International
 Firm Name



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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Execution of Engineering Design Services Contract with Edmondson Engineers, PA for the Fiber Optic Network Infrastructure Project, Phases 2, 3 & 4, and Exemption from RFQ Procedures for Hiring an Engineering Consultant. Project No.: DC134

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is hereby requested to authorize the County Manager to enter into a contract with Edmondson Engineers, PA of Research Triangle Park, NC, to provide engineering services for the Fiber Optic Network Infrastructure Project, Phases 2, 3 and 4, in the amount of \$70,500.00 plus additional services and reimbursable expenses estimated in the amount of \$6,000.00, thus totaling \$76,500.00 (See Attachment 1, Pages 1-4), and exempt the project from the RFQ process.

G.S. §143-64.32 allows the Board of County Commissioners to exempt any construction project from the normal Request for Qualifications (RFQ) procedure for hiring an architect or engineer. Due to the nature of this project and the past involvement of Edmondson Engineers and their consultants with the Feasibility Study and Phase 1 design work on this project, and their involvement in similar projects in Mecklenburg County, it is requested that the County exempt the RFQ process and authorize the County Manager to hire Edmondson Engineers for Phases 2, 3, and 4 of the project using the County's standard engineering contract.

This design contract is part of the Fiber Optic Network Infrastructure project which is funded in the Capital Improvement Plan. The project includes the design and installation of a fiber optic network infrastructure to link County facilities to the central node of the County network in the Administration Building. Compared to just five years ago, most of the County's departments have become highly dependent upon the Information Technology network infrastructure for access to business applications, data stores, and other network resources. Currently, most inter-site network connectivity is leased. As the County's bandwidth requirements increase, inter-site leased costs will continue to grow. Installation of high-speed infrastructure is critical to maintaining pace with the increasing bandwidth demands of departments. This project will cover the initial costs of network infrastructure installation and over time provide a return on that investment with the eliminated leased costs. Installation will be conducted in four phases. Phase 1 consists of the communications conduit system and fiber optic cable to connect the new Durham County Human Services building to the 5th floor Data Center in the Durham County Administration Building. Phase 2 continues the conduit and fiber system to include the Criminal Justice Resource Center, General Services, Main Library, City Hall, Judicial Building and Judicial Annex. Phase 3 continues the system to include the Detention Facility. Phase 4 continues the system to include the new Durham County Courthouse and Parking Garage.

A Feasibility Study for the project was conducted by Edmondson Engineers, PA and completed in July, 2010. The objective of the study was to determine the feasibility of installing a Fiber Optic Metropolitan Area Network (FO-MAN) in the downtown area to provide connectivity among County buildings as well as City Hall. The scope of work was developed and Edmondson Engineers submitted a fee proposal for the design services. Design services for Phase 1 of the project began in July 2010 in order to maintain the proposed schedule for providing connectivity for the new Durham County Human Services building, whose IT services are dependent upon this proposed Fiber Optic network. The cost of the feasibility study and Phase 1 design services totaled \$29,800.00. This agenda item currently before the board is to authorize the design services for the remainder of the project. The services to be rendered under this contract include planning and programming, preparation of design drawings and specifications, conducting a pre-bid conference, bid evaluation, construction administration, construction inspection and project closeout.

This project will increase efficiency, improve service access and delivery, and reduce recurring leased line costs once implemented. Funding is available for this project in the Fiber Optic Network Infrastructure Capital Project account. The County has no M/WBE participation goal for this service.

RESOURCE PERSON (S): Glen Whisler, P.E., County Engineer; Perry Dixon, Director, Information Services; Ademola Shobande, Assoc. AIA, Senior Project Manager; James Faress, P.E., Project Manager, Engineering Department; and Dennis Hayes, P.E., Edmondson Engineers, PA.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board exempt the Fiber Optic Network Infrastructure project from the RFQ process and authorize the execution of an engineering design contract with Edmondson Engineers, PA in the amount of \$70,500.00 plus additional services and reimbursable expenses estimated in the amount of \$6,000.00, thus totaling \$76,500.00 (See Attachment 1, Pages 1-4).

County Manager: *Richard M. Ryskin*

		Motion	Yes	No
() Approved	Bowser	_____	_____	_____
() Denied	Heron	_____	_____	_____
	Howerton	_____	_____	_____
	Page	_____	_____	_____
	Reckhow	_____	_____	_____

"ATTACHMENT 1"



EDMONDSON ENGINEERS

August 6, 2010

James Faress, P.E.
Engineering Department
120 E. Parrish Street, 1st Floor
Durham, NC 27701

**Re: Durham County Fiber Optic Metropolitan Area Network
Design Services Proposal – Phases 2, 3 and 4**

Dear Mr. Faress:

Thank you for the opportunity to submit this fee proposal to provide engineering design and construction administration services for Phases 2, 3 and 4 of the Durham County Fiber Optic Metropolitan Area Network. The general scope of work for this project is to install a communications conduit system and fiber optic cable to connect 10 buildings in the downtown area. The detailed scope of work will be in accordance with the feasibility study dated May 19, 2010 with revisions as noted on the attached overview map. The project limits for these phases is shown on the attached phasing map. This project will complete fiber optic connectivity, in a ring configuration, between the following buildings:

- County Administration (IT Headquarters – County Data Center)
- Criminal Justice Resource Center
- Durham County Human Services
- General Services Building
- Main Library
- Durham City Hall
- Court Annex
- Judicial Building
- Detention Facility
- New Durham County Courthouse

The design services will include:

1. Field engineering required to survey routes for preparation of detailed construction plans and methods.
2. Splice Detail drawings in accordance with the requirements of the county IT network architecture. Input from the County IT department is required to complete the splicing plans.
3. Engineering and CAD required to prepare construction documents (plans and specifications)
4. Permit Preparation for encroachment agreements and right-of-way permits and coordination with the applicable ROW owner.
5. Building entrance and internal raceway system construction plans.
6. Contract Preparation to include the county's front end documents and construction plans and specifications.

August 6, 2010
Durham County – Fiber Optic Metropolitan Area Network
Page 2 of 2

The construction administration will include:

1. Assisting the county with bidding (contractor qualifications, pre-bid meeting, bid opening, proposal evaluations, etc.).
2. Construction phase project management.
3. Construction inspection of all underground conduit and cable installations.
4. Close-out documents including as built record drawings noting location and depth of underground conduit system.

The design team for this project will include the following engineering firms each of which offer the specific expertise required for the different aspects of this project.

Edmondson Engineers (Contact: Dennis Hayes) – Will provide project management, building entrance and interior engineering, and coordination with the Durham County IT Group regarding the network technology (Number of fibers, fiber specifications, splicing details, etc.) Edmondson Engineers has a long history with both CJT and CBW.

Coulter Jewell Thames, PA (Contact: Dan Jewell) – Will assist with route surveys and base plans of the project area with specific emphasis on identifying existing utilities. CJT will also assist with permitting and right-of-way issues.

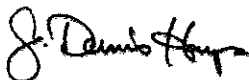
CBW Communications Engineers (Contact: Howard Tipton) – Will provide all outside plant engineering including exact route selection, encroachment and permit applications, construction details and construction methods. They will also prepare the project manuals, assist with bid meetings, pre-qualify contractors, evaluate proposals, provide construction inspection and prepare record drawings.

Edmondson Engineers proposes to provide the design services described above for a lump sum fee of **SEVENTY THOUSAND, FIVE HUNDRED DOLLARS (\$70,500.00)**.

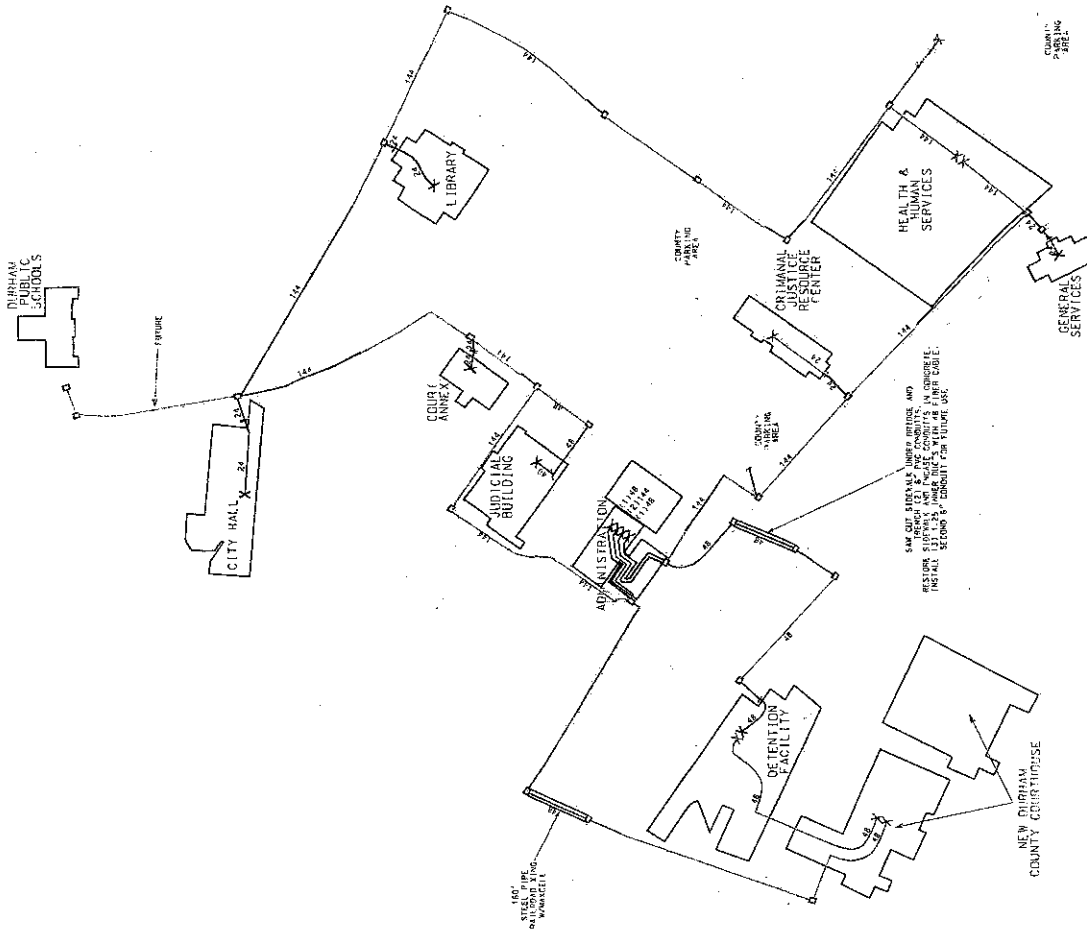
Also attached is a probable schedule for the project. The engineering fees are based on starting the project and completing all phases of construction, including the Phase 1 project, per the attached schedule and under the same construction contract. Starting and stopping construction to build phases at separate times or bidding the work in separate construction contracts would result in increased construction costs and construction administration fees.

We are pleased to have the opportunity to present this proposal and look forward to working with you on this project. If you have any questions or require additional information, please feel free to contact us.

Sincerely,
EDMONDSON ENGINEERS, P.A.



Dennis Hayes, P.E.



DURHAM COUNTY FIBER SYSTEM
PROPOSED FIBER NETWORK OVERVIEW
Engineered By : HWT
Sheet : 1
Date : 05/19/2010
Revised : 07/15/2010
Scale : 1" = 125'
CHW COMMUNICATIONS ENGINEERS

NOTE #

Judicial Building
Administrative Offices
Administrative Office
first floor to 5th flr

these locations have existing building conduit from the Tallest Room. During construction will be removed to the south bay intended to build the outside of the building, or to the building entrance handling.

[illegible]

NOTE 2

CITY MAP
LIBRARY
COUNTY JAIL
GENERAL SERVICES

these locations will require investigation of 2-10-82
to determine what the existing building was
and to what extent the building was
located in the grounds and from the 1941 fire
evidence to each location.

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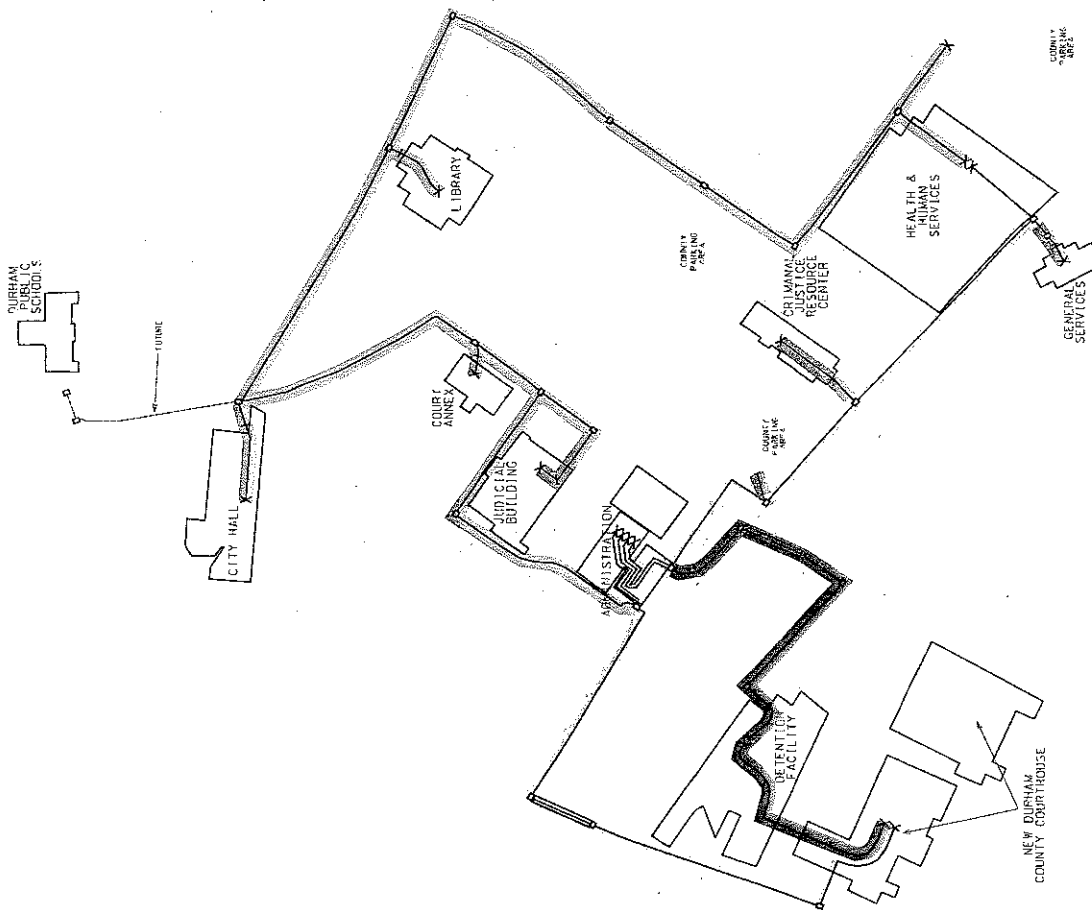
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QUEST: Since Hampton is
(3) 1-74, what concrete installed on
the interior side of the runway could not
be used for the runway?
ANS: The concrete installed on the interior
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because it was not of the "X" type. The
runway is of the "X" type. The concrete
installed on the interior side of the runway
was not used for the runway because it was
not of the "X" type.



DURHAM COUNTY FIBER SYSTEM

CONSTRUCTION PHASE OVERVIEW

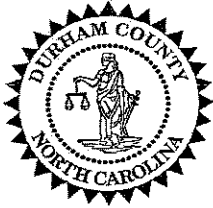
LMH : ក្រុមប្រឹក្សាប្រតិបត្តិ

Sheet : 1

Date : 07/15/2010

Scale: 1" = 125'

CBW COMMUNICATIONS ENGINEERS



9n

**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Approval of Single Family Rehabilitation Grant Assistance Policy and Procurement & Disbursement Policy

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

Durham County was recently awarded a \$200,000 grant from the NC Housing Finance Agency for the Single Family Rehabilitation program. The primary goal of the 2010 cycle of the SFR program is to encourage the comprehensive rehabilitation of scattered-site-single-family housing units owned and occupied by very low and low income elderly and/or disabled homeowners.

An RFP for consulting services was issued on April 16, 2010, and the contract for said services was awarded to the sole bidder, L.E. Wooten & Co. The Board approved a capital project amendment to implement this grant, which may stretch over multiple fiscal years, on June 28, 2010.

This agenda item is to approve the assistance policy and Procurement & Disbursement Policy by which this grant will be implemented. There are very clear, fixed eligibility requirements set by the NC Housing Finance Agency, but a somewhat more flexible scoring system by which those applicants or households that apply will be prioritized. The Wooten Co. and Durham County staff are both satisfied with the attached policies.

RESOURCE PERSONS: Drew Cummings, Assistant County Manager; Warren Wooten, Owner and President, L.E. Wooten & Co.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Commissioners consider the attached policies and, if appropriate, approve the policies.

County Manager: Richard M. Rappin

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____

Durham County
Assistance Policy
For the 2010 Cycle of the
Single-Family Rehabilitation Program

What is the Single-Family Rehabilitation Program? Durham County has been awarded \$200,000 by the North Carolina Housing Finance Agency ("NCHFA") under the 2010 cycle of the Single-Family Rehabilitation Program ("SFR2010"). In addition to this award, participation in this round includes County membership in a performance pool which will allow for service to additional applicants. This program provides funds to assist with the rehabilitation of moderately deteriorated homes which are owned and occupied by lower-income households. The County, one of a small number of organizations funded in the whole state under SFR2010, plans to apply the funds toward the rehabilitation of single family homes within Durham County.

This Assistance Policy describes who is eligible to apply for assistance under the SFR program, how applications for assistance will be rated and ranked, what the terms of assistance are and how the whole rehabilitation process will be managed. The County has tried to design this SFR2010 project to be fair, open, and consistent with the County's approved application for funding and with NCHFA's SFR Program Guidelines.

The funds provided by NCHFA come from the US Department of Housing and Urban Development's (HUD) federal HOME Investment Partnerships Program. The County has engaged the services of The Wooten Company to act as the County's agent in this process and help the County implement this grant.

Program Goals and Objective. The primary goal of the 2010 cycle of the SFR program is to encourage the comprehensive rehabilitation of scattered-site-single-family housing units owned and occupied by very low and-low income elderly and/or disabled homeowners.

The objectives of the SFR Program are:

- 1) To promote equitable distribution of program funds across the state;
- 2) To serve elderly and disabled homeowners with income at or below eighty (80%) of area median incomes;
- 3) To facilitate aging in place amongst elderly and disabled homeowners through accessibility modifications;
- 4) To promote the long-term affordability and lower operating costs of assisted units through cost-effective energy-efficiency measures and performance testing;
- 5) To facilitate the continued development of rehabilitation management skills among recipient organizations; and
- 6) To complement other housing repair and rehabilitation programs.

SFR Rehabilitation Standards ensure that each unit assisted will make a long-term positive impact on the state's housing stock by providing decent, affordable housing for at least another generation.

This Assistance Policy describes who is eligible to apply for assistance under the SFR program, how applications for assistance will be rated and ranked, what the terms of assistance are and how the whole rehabilitation process will be managed. Durham County has tried to design this SFR2010 project to be fair, open, and consistent with Durham County's approved application for funding and with NCHFA's SFR Program Guidelines.

Who is eligible to apply? There are three major requirements to be eligible for SFR2010 assistance. The applicant MUST:

- 1) The homeowner's family or household must be below 80% of median area income.
- 2) A member of the household must be elderly and/or disabled.
- 3) The applicant's house must be deteriorated, but not so much that the homes selected for rehabilitation can not be brought up to standards with the limited funding available (maximum of \$45,000 / house). **Unfortunately, some otherwise-eligible Durham County families will be deemed ineligible because their homes fail this test.**

More specifically, to be eligible for consideration, homeowners must meet the following requirements:

- Applicants for SFR rehabilitation funds must prove that they own and occupy the property to be rehabilitated as their primary residence. Life Estate is not an acceptable form of ownership interest under the SFR program.
- The property owner must be free of any back taxes or liens in default at time of application.
- Applicants must reside within Durham County (does not include homes within Durham City Limits).
- Applicants must be a U.S. citizen.
- Applicants' homes must meet all of the tests listed below. (See "What types of houses are eligible?" below)
- Applicants' household incomes must fall at or below 80% of the area median. (See *bolded section of chart below.*)

2010 Income Limits for Durham County*
Single-Family Rehabilitation Program (SFR10)

FY 2010 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Very Low (50%) Income Limits \$	23,750	27,150	30,550	33,900	36,650	39,350	42,050	44,750
Extremely Low (30%) Income Limits \$	14,250	16,300	18,350	20,350	22,000	23,650	25,250	26,900
Low (80%) Income Limits \$	38,000	43,400	48,850	54,250	58,600	62,950	67,300	71,650

*based on the HUD 2010 Median area income of \$57,600 for a family of four.

What types of houses are eligible? Properties are eligible only if they meet all of the following requirements:

- The property must be an owner-occupied, single-family house within Durham County.

- The property must require at least \$5,000 of improvements in order to meet SFR program standards.
- The property must be free of environmental hazards and other nuisances or any such hazards or nuisances must be corrected as part of the rehabilitation of the unit. The Rehabilitation Specialist will determine whether there are environmental hazards/nuisances present on the site and if they can be removed through rehabilitation.
- The housing unit must be capable of meeting, upon completion of rehabilitation, NCHFA SFR10 Rehabilitation Standards (which includes Housing Quality Standards, Energy, Environmental, Lead Based Paint, and SFR General Standards).
- The property must be economically feasible to rehabilitate. This means that it must be possible to bring the unit into compliance with all SFR2010 rehabilitation standards at a cost not exceeding the program limits (\$45,000 per house).
- Properties cannot be located in the right-of-way of any impending or planned public improvements. The County will make this determination.
- The property must be current with all taxes. If the owner is unsure about this, they can call the Durham County Tax Assessor's Office at (919) 560-0300.
- The property cannot be located on a site that is endangered by mudslides, landslides or other natural or environmental hazards. The County will work with the homeowner to make this determination, if needed.
- Manufactured housing is NOT eligible. If the owner is unsure about real property status, they can call the Durham County Tax Assessor's Office at (910) 560-0300.
- The property may not be located in a flood hazard area. The County will verify whether the home is in the flood plain.
- The property cannot have been repaired or rehabilitated with public funding of \$5,000 or more within the past 10 years without NCHFA approval.

How are applications ranked? There are many more eligible households (with eligible houses) than can be assisted with the available funds. Therefore, the County has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system applicants will receive points for falling into certain categories of special need. The applications will be ranked according to which receive the most points. In the event of a tie, the lower income applicant will receive priority.

**Priority Ranking System for Durham County
2010 Single-Family Rehabilitation Program**

Special Needs (for definitions, see below)	Points
Elderly Head of Household (62 or older) or Disabled Head of Household	3
Disabled or Elderly Household Member (not Head of Household)	1

Income (See Income Table above)	Points
Less than 30% of County Median Income	3
30% to 50% of County Median Income	2
50% to 80% of County Median Income	1
81% or above of County Median Income	Not Eligible

Housing Condition (as rated by the tax department)	Points
C+ or above	5
D+ or above	3
D	1
D- and below	0

Year Built (as listed by the tax department)	Points
Built after 1978	5
Built in 1970-1978	3
Built before 1970	0

The definitions of special needs populations under Durham County's SFR2010 Project are:

- *Elderly*: An individual aged 62 or older.
- *Disabled*: A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment..
- *Head of Household*: The person or persons who own(s) the house.
- *Household Member*: Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a "household member" (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of the household, regardless of the time of occupancy); or non-immediate family member who has resided in the dwelling at least 3 months prior to the submission of the family's application.

Recipients of assistance under the SFR program will be chosen by the above criteria without regard to race, creed, sex, color or national origin.

Marketing the Program.

Durham County, through its agent, will advertise the program and the application period in The Durham Herald-Sun. Notices will be posted in the County Administration Building, the City of Durham Community Development Department, the Durham Affordable Housing Coalition, City Hall, and the Durham Housing Authority. The County and its agent will work closely with Social Services as well as the City Community Development Department throughout the program.

What are the terms of assistance under SFR2010? The County will provide several types of assistance to the homeowners whose homes are selected for rehabilitation. The County, through its agent, will determine the scope of work needed to meet SFR program standards, prepare a work write-up and bid documents, solicit competitive bids from approved contractors, provide contract documents, conduct a pre-construction conference, inspect work in progress, and disburse funds to the contractor.

To pay for the rehabilitation work, the County will provide part of the funds in the form of an interest-free loan, forgiven at \$3,000 per year. As long as the borrower lives in the home, no payments on the loan will be required. Of course, if the recipient prefers, the loan can be paid off at any time, either in installments or as a lump sum payment.

Each unit must use a minimum of \$5,000, but not more than \$45,000 of SFR2010 funds. In addition, up to \$9,000 may be available through the Lead Assistance Partnership Pool to mitigate lead exposure to children. The amount will depend on the scope of work, as determined by the Rehabilitation Specialist, and the best bid received. This amount also includes costs for lead inspections, lead risk assessments and pressure diagnostic testing.

The form of assistance for construction-related costs (hard costs) will be provided as no interest, no payment loans which are forgiven at the rate of \$3000 per year. The forgivable loan may not exceed \$45,000. In addition, assistance for cost associated with construction (soft costs) such as environmental reviews, property evaluation and inspections will be provided in the form of a grant. The grant is funded by the HOME Investment Partnerships Program, has a \$5,000 limit if the unit was built after January 1, 1978. If the unit was constructed prior to 1978, up to \$5,950 may be used for necessary and verifiable soft costs.

What kinds of work will be done? Each house selected for assistance will be rehabilitated to meet NCHFA SFR2010 rehabilitation standards. These requirements are spelled out in full in the County's 2010 SFR Program Administrator's Manual, which you may view, at reasonable times, upon request, at the Administration Building. Topics covered in the manual under Appendix J Rehabilitation Standards include: A. Introduction; B. General Requirements; C. Housing Quality Standards; D. Energy Efficiency; E. Environmental Protection; and F. Lead-Based Paint.

In addition to the above items that must be done to satisfy NCHFA requirements, the scope of work may also include certain items meant to enhance or protect neighborhood and unit property values, and/or home modifications designed to enable frail or disabled household members to function more independently.

Generally, the County (through its agent) will specify that rehabilitation tasks be accomplished in the least-expensive method that is deemed adequate to meet program standards. The SFR assistance cannot be used for luxury or unnecessary remodeling work.

Of course, contractors performing work funded under SFR2010 are responsible for meeting all local requirements for permits and inspections. All work done under the program must be performed to NC State Residential Building Code standards. (This does not mean, however, that the whole house must be brought up to Building Code Standards.)

Who will do the work on the homes? The County is obligated under SFR2010 to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, the County (through its agent) will invite bids only from licensed contractors who are part of an "approved contractors' registry".

To be on the registry, contractors must (1) fill out an application form, listing several references and recent jobs completed, (2) be licensed in the state of North Carolina. The County's agent reserves the right to remove any contractor from the registry for any reason. Both Durham County and its agent invite minorities to participate in the SFR program and do not discriminate on the basis of race, color, gender, national origin, age, religion, creed, disability, or sexual orientation. Durham County is an equal opportunity employer.

Approved contractors will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" means the contractor (1) is deemed able to complete the work in a timely fashion, and (2) that the bid is within 15% (in either direction) of the County agent's cost estimate. If the contractors fail either of these tests for responsive and responsible bidder, the rehab specialist has the option to reject all bids and rebid the jobs. If required, lead based paint abatement will be performed by contractors who are state certified to perform such work. Note: All contractors must be licensed general contractors in the state of North Carolina to bid in this program regardless of bid amount.

What are the steps in the process, from application to completion? Now that you have the information about how to qualify for the 2010 Durham County Single-Family Rehabilitation Program, what work can be done, and who will do it, let's go through all the major steps in the process:

1. **Completing an Application Form:** Homeowners who wish to apply for assistance must submit a application form by November 1st, 2010. Applications submitted after November 1st, will be considered, but only after all applications submitted prior to this deadline are considered. Apply by contacting Drew Cummings, Assistant County Manager, at (919) 560-0065 and 200 E. Main, Durham, NC 27701. Proof of ownership and income will be required. Those who have applied for housing assistance from the County in the past will not automatically be reconsidered. A new application will need to be submitted.
2. **Preliminary Inspection:** The Rehabilitation Specialist will visit the homes of potential recipients to determine the need and feasibility of the home for rehabilitation.
3. **Screening of Applicants/Formal Application:** Applications will be rated and ranked by the County and its agent based on the priority system outlined above and the feasibility of rehabilitating the house. The households to be offered assistance will be selected by the County working in tandem with its agent, at which time the household will be required to complete a more detailed application form for rehabilitation assistance. Household income will be verified for program purposes only (information will be kept confidential). Ownership of property will be verified along with other rating factors.
4. From this review, the most qualified applicants will be chosen according to the priority system described above. The County, through its agent, will then submit to NCHFA the SFR2010 Loan Application and Reservation Request forms for each potential borrower for approval of SFR funding. This includes a written agreement that will explain and govern the rehabilitation process. This agreement will define the roles of the parties involved throughout the rehabilitation process.
5. **Applicant Interviews:** Approved applicants will be provided detailed information on assistance, lead hazards, program rehabilitation standards and the contracting procedures associated with their project at this informational interview. Before proceeding with the rehabilitation of their home, the applicant will be given five (5) days in which to decide whether to accept the loan and participate in

the SFR program or not. Applicants will be encouraged to consult with family members and legal professionals in order to determine the best course of action for them.

6. **Work Write-up:** The Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace, if any. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks and the like. The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bidding is completed.
7. **Bidding:** The work write-up and bid documents will be mailed the contractors from the Approved Contractors Registry who will be given two to three weeks in which to inspect the property and prepare bid proposals. The names of the invited contractors will be supplied to the homeowner. Each will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted at the Administration Building at a specified date and time, with all bidders and the homeowner invited to attend.
8. **Contractor Selection:** Within 24 hours of the bid opening, after review of bid breakdowns and timing factors, the winning bidder will be selected. All bidders and the homeowner will be notified of (1) the selection, (2) the amount, (3) the amount of the County's cost estimate, and (4) if other than the lowest bidder is selected, of the specific reasons for the selection.
9. **Loan Closing and Contract Execution:** Loan and contract documents will be executed; these will bind all parties and make the project official. The contract will be between the contractor and the homeowner, with the County signing as an interested third party. Contractors must submit proof of liability insurance. Note: North Carolina law states you have the right to be represented by council at a loan closing. If you choose not to be represented, you must sign a Unrepresented Borrower Affidavit.
10. **Pre-Construction Conference:** A pre-construction conference will be held at the home. At this time, the homeowner, contractor and program representatives will discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old cabinets, etc.). Within three (3) business days of the pre-construction conference, the County will issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date.
11. **Construction:** The contractor will be responsible for obtaining a building permit for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Code Enforcement Officers will inspect new work for compliance with the State Building Code, as with any other job. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
12. **Temporary Relocation:** Temporary relocation may be necessary for various reasons including the presence of lead-based paint hazards. Relocation assistance may be offered to help address the financial burden associated with temporary relocation only to those households required to temporarily relocate as a result of activity related to the rehabilitation of their home.

- 13. Change Orders:** All changes to the scope of work must be approved by the owner, the contractor, and two Durham County officials and reduced to writing as a contract amendment ("change order"). If the changes require an adjustment in the loan amount, the change must be specified in the change order.
- 14. Progress Payments:** The contractor is entitled to request a maximum of two partial payments during construction, when the contract is 30% and 80% complete. When a payment is requested, the Rehabilitation Specialist will inspect the work within three business days, list all items deemed 100% complete, and calculate a payment based on 90% of the total contracted amount of those completed items. Payment will be made within four business days of receiving funds from NCHFA.
- 15. Closeout:** When the contractor declares the work complete, program staff will thoroughly inspect work. If deficiencies are observed, the contractor will be required to correct them. When the Rehabilitation Specialist and the homeowner are satisfied that the contract has been fulfilled, each will sign off and, after receipt of the contractor's final invoice, the final payment will be ordered. The contractor will submit all lien releases prior to release of the final payment. All material and workmanship will be guaranteed for a one-year period after the date of project completion.
- 16. Post-Construction Conference:** Following construction, the contractor and the Rehabilitation Specialist will sit down with the homeowner one last time. At this conference the contractor will hand over all owner's manuals and warranties on equipment. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for the new equipment and appliances and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about the work.
- 17. Recordation:** As soon as possible after the contract has been awarded, and prior to beginning work, the County will execute the required loan note and deed of trust on behalf of the NCHFA. If, upon completion of all rehabilitation work, the contract price has changed due to the effect of change orders, the County will coordinate the execution of an estoppel agreement reflecting the resulting increase or decrease in the original loan amount. The loan is the property of NCHFA, with original documents sent there for storage and "servicing".
- 18. The Warranty Period:** It is extremely important that any problems with the work that was performed be reported to the Rehabilitation Specialist as soon as possible. All bona fide defects in materials and workmanship reported within one year of completion of construction will be corrected free of charge.

What are the key dates? If, after reading this document, you feel that you qualify for this program and wish to apply, please keep the following dates in mind:

- Applications available to the public starting September 14, 2010.
- Applications must be turned in at the Durham County Administration Office by 5:00 PM on November 1st, 2010.
- Awards made to loan recipients will begin in December, 2010.
- All rehabilitation work must be under contract by December 30, 2012.
- All rehabilitation work must be completed by June 30, 2013.

How do I request an application? Just contact:

Warren Wooten, Project Coordinator
The Wooten Company
120 N. Boylan Avenue

Raleigh, NC 27603
(919) 828-0531

Or pick up an application at the Durham County Administration Building, 200 E Main Street, Second Floor, Durham, NC 27701.

Is there a procedure for dealing with complaints, disputes and appeals? Although the application process and rehabilitation guidelines are meant to be as fair as possible, Durham County realizes that there is still a chance that some applicants or participants may feel that they are not treated fairly. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

During the application process:

1. If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made, he/she should contact Durham Assistant County Manager Drew Cummings within five days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing.
2. A written appeal must be made within 10 business days of the initial decision on an application.
3. Durham County will respond in writing to any complaints or appeals within 10 business days of receiving written comments.

During and after the rehabilitation process:

1. If the homeowner feels that construction is not being completed according to the contract, he/she must inform the contractor and the Rehabilitation Specialist.
2. The Rehabilitation Specialist will inspect the work in question. If he finds that the work is not being completed according to contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to remedy the problem.
3. If problems persist, a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the Assistant County Manager.
4. Should the mediation conference fail to resolve the dispute, the Manager will render a written final decision.
5. If the Rehabilitation Specialist finds that the work is being completed according to contract, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

Will the personal information provided remain confidential? Yes. All information in applicant files will remain confidential. Access to the information will be provided only to County employees and project consultants who are directly involved in the program, the North Carolina Housing Finance Agency, the US Department of Housing and Urban Development (HUD) and auditors.

What about conflicts of interest? No officer, employee or other public official of the County, or member of the County Commissioners, or entity contracting with the County, who exercises any functions or responsibilities with respect to the SFR program shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of County employees, County Commissioners and others closely identified with the County, may be approved for rehabilitation assistance only upon public disclosure before the County Commissioners and written permission from NCHFA.

What about favoritism? All activities under SFR2010, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, creed, sex, color or national origin.

Who can I contact about the SFR2010 program? Any questions regarding any part of this application or program should be addressed to:

Warren Wooten, Project Coordinator
The Wooten Company
120 N. Boylan Avenue
Raleigh, NC 27603
(919) 828-0531

These contacts will do their utmost to answer questions and inquiries in the most efficient and correct manner possible.

Adopted this ____ day of _____ 2010.

Michael D. Page, Chairman

Attest:

V. Michelle Parker-Evans, Clerk to the Board

Durham County's Single Family Rehabilitation Program

PROCUREMENT POLICY

1. To the maximum extent practical, Durham County promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency's Single Family Rehabilitation Program (SFR). Bids will be invited from Contractors who are part of the County agent's approved contractor registry. (To be on the registry, a contractor must complete an application, have their recent work inspected, reviewed and approved by the Rehabilitation Specialist and submit proof of insurance at the appropriate levels required by Durham County.) Durham County will take steps to encourage local Durham County contractors to be part of the County's approved contractor registry and to participate in the bidding process. (what will you need us to do, if anything?)
2. Eligible contractors on the approved contractor registry shall be invited to bid on each job and the lowest responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 15%, in either direction, of the County's cost estimate, and (c) there is no conflict of interest (real or apparent).
3. Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder for each job site.
4. Bid packages shall consist of an invitation to bid, work write up(s) and bid sheet(s) for each job.
5. Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
6. Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by all parties to the original contract. The change order must also detail any changes to the original contract price.
7. No work may begin prior to a contract being awarded and a written order to proceed provided to the contractor. In addition, a pre-construction conference and "walk thru" shall be held at the work site prior to commencement of repair work.
8. Durham County, working with its agent, reserves the right to reject any or all bids at any time during the procurement process.
9. In the event of a true emergency situation, the County reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, faxed bids and the like. Should such methods ever become necessary the transaction will be fully documented.
10. All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend.

DISBURSEMENT POLICY

1. All repair work must be inspected by (a) the County agent's Rehabilitation Specialist, or (b) a Code Enforcement Officer, and (c) the homeowner prior to any payments to contractors. If all work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original invoice from the contractor. Contractor should allow 15 business days for processing of the invoice for payment.
2. If any of the work is deemed unsatisfactory, it must be corrected prior to authorization of payment. If the contractor fails to correct the work to the satisfaction of the County agent's Rehabilitation Specialist, payment may be withheld until such time the work is satisfactory. (Contractors may follow the County's Single Family Rehabilitation Program Assistance Policy if a dispute occurs; however, contractors shall abide by the final decision as stated in the policy).
3. Durham County assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory work.

All contractors, sub-contractors and suppliers must sign a lien waiver prior to final disbursement of funds.

The Procurement and Disbursement Policy is adopted this the 13th day of September, 2010.

Durham County

BY: _____
Michael Page, Chairman, Board of Commissioners

Attested by: _____
Michelle Parker-Evans, Clerk to the Board

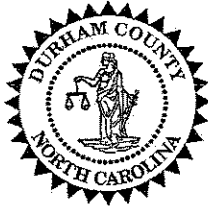
CONTRACTORS STATEMENT:

I have read and understand the attached Procurement and Disbursement Policy.

BY: _____

COMPANY NAME: _____

WITNESS: _____



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**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Revisions to Audit Oversight Committee By-Laws

DATE OF BOCC MEETING: August 23, 2010

REQUEST FOR BOARD ACTION:

The Audit Oversight Committee seeks approval of revisions made to Audit Oversight Committee By-Laws. These revisions were to clarify the AOC's (1) mission statement, (2) membership terms, and (3) dates for election of officers.

RESOURCE PERSONS: Karen Percent, AOC Chair and Richard Edwards, Internal Auditor

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the revisions to the AOC By-Laws.

County Manager: *Richard M. Reppin*

	Motion	Yes	No
() Approved			
() Denied			
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____



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COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Liability Claims and Subrogation Recovery for FY 09-10

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The report on claims paid through the Risk Management Office for FY 09-10 indicates the total amount paid was \$17,564.70. This compares to a total of \$24,840.25 paid in the prior fiscal year. A decrease of \$7,275.55 in claims were paid out this fiscal year.

The amount of subrogation claims recovered from other parties indicates a total of \$18,902.36. This compares to a total of \$23,140.48 received in the prior fiscal year. The amount of damage caused by accidents of other drivers shows a decrease of \$4,238.12 this fiscal year.

RESOURCE PERSONS: Lowell Siler, County Attorney; Cathy Whisenhunt, Risk Manager

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the report from Risk Management recognizing the continuing efforts of the County administration to decrease the costs associated with the operations of the Government.

County Manager: *William M. Ryskin*

	Motion	Yes	No
() Approved			
() Denied			
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

**COUNTY OF DURHAM
2009-2010
LIABILITY - CLOSED FILES**

DEPARTMENT	CLAIMANT	DATE OF LOSS	CLAIM TYPE ***	AMOUNT	File Closed	DENIED CLAIM
Administration	Jackson, Michael	2/4/10	Bodily Injury (fell on ice – DSS)	-0-	5/12/10	5/12/10
Administration	Bethea, Brittany	8/7/07	Property Damage (Auto) Stop Sign Down	-0-	8/9/10	
Animal Control						
Board of Elections						
DSS	Enterprise	10/20/09	Property Damage (Auto)	\$901.77	1/29/10	
EMS	Black, Camilla	10/31/08	Property Damage (Auto)	\$500.00	10/30/09	
EMS	West, John L.	10/8/09	Property Damage (Auto)	\$1,518.00	11/10/09	
EMS	Eason, Vicki	1/5/10	Property Damage (Mailbox)	-0-	1/20/10	
EMS	Elrod, Janice H.	4/2/10	Property Damage (Auto)	\$809.88	6/3/10	
Engineering						
General Services	Strickland, John	10/15/07	Bodily Injury – bit by stray dog – Redwood Container Site	-0-		11/3/09
General Services						
Health Dept.						
Library						
Mental Health						
Sheriff	Gunnell, Kristen N.	6/17/09	Property Damage/Bodily Injury (Auto)	\$4,641.81	7/22/09	
Sheriff	Beck, Genine	8/5/09	Property Damage (Auto)	\$1,020.00	9/9/09	
Sheriff	Harris, Hannah	9/4/09	Property Damage (Auto)	\$909.52	2/8/10	
Sheriff	PCI, LLC-David Young	12/4/09	Property Damage (Auto)	\$2,310.31	3/3/10	
Sheriff	Rice, John H.	4/27/10	Property Damage (Auto)	\$4,953.41	6/30/10	
Sheriff	Highway Patrol	5/30/07	Property Damage (Auto)	-0-	6/1/10	
Sheriff	Markham, Karuna	3/6/06	Bodily Injuries (Auto)	-0-	6/1/10	
Sheriff	Mawhard, Kenneth	8/6/07	Medical Malpractice/Missing Money	-0-	8/12/10	
Sheriff						
Tax						

TOTAL MONIES PAID =

\$17,564.70

****Claim Type:**

PD = Property Damage
 BI = Bodily Injury
 GL = General Liability
 MPL = Medical Professional Liability
 PPL = Police Professional Liability
 POL = Public Officials Liability

OAH – Office of Administrative Hearing
 EEOC – Equal Employment Opportunity Commission

COUNTY OF DURHAM
SUBROGATION RECOVERY - CLOSED FILES
2009 - 2010

DEPARTMENT	DATE OF LOSS	OTHER PARTY	CLAIM TYPE***	NARRATIVE	RECOVERY	FILE CLOSED
Animal Control	7/29/09	Mickle, Zane	Property Damage (Auto) BI	Citizen ran into back of vehicle	\$874.51	9/17/09
DSS						
DSS						
EMS	7/23/09	Davies, Anthony	Property Damage (Auto)/BI	Citizen ran into back of EMS Vehicle	\$1,648.50	9/17/09 - BI still open
EMS	7/6/09	Vidinha, Kimberly	Property Damage (Auto)	Citizen backed into EMS Ambulance	\$127.65	5/27/10
Engineering						
Fire Marshall						
General Services	10/9/09	Trinity Apartments	Property Damage (Auto)	Plywood flew off their truck & hit our truck	\$100.00	1/20/10
General Services	11/25/09	Flagg, Laura	Property Damage (Auto)	Citizen ran into back of our vehicle	\$3,469.19	1/21/10
General Services	3/15/10	B & R Janitorial Services	Property Damage (Auto)	Citizen ran into bumper of M-1 Van	\$717.93	4/22/10
General Services						
Library						
Mental Health						
Public Health						
Sheriff	12/13/08	Yang, Ping	Property Damage (Auto)	Citizen ran into side of Deputy's vehicle	\$1,899.31	8/18/09
Sheriff	1/4/10	Judy Johnson	Property Damage (Auto)	School Bus ran into Deputy's vehicle	\$795.27	5/12/10
Sheriff	4/13/10	Page, Warren	Property Damage (Auto)	Citizen ran into Deputy's vehicle	\$9,270.00	5/21/10
Sheriff						
Sheriff						
Tax						

TOTAL RECOVERY RECEIVED: \$18,902.36

*Claim Type:

PD = Property Damage
BI = Bodily Injury
EO = Errors & Omissions

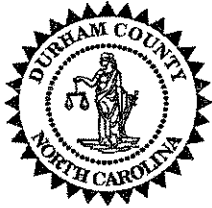
**COMPARISON OF TOTAL MONEY SPENT FOR LIABILITY CLAIMS
FY 2009-2010**

FISCAL YEAR	MONEY SPENT
2004-2005	\$31,084.43
2005-2006	\$14,199.94
2006-2007	\$14,842.44
2007-2008	\$10,054.53
2008-2009	\$24,840.25
2009-2010	\$17,487.20

COMPARISON OF TOTAL SUBROGATION RECOVERY

FISCAL YEAR	MONEY RECEIVED
2004-2005	\$141,878.87
2005-2006	\$14,265.39
2006-2007	\$38,636.44
2007-2008	\$78,989.96
2008-2009	\$23,140.48
2009-2010	\$18,902.36

Comparison09-10Board



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COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Amendment to Interlocal Agreement 800 Mhz Radio System

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board of County Commissioners is requested to approve the attached Amendment to the City County Interlocal Agreement Regarding the 800 MHz Radio System Upgrade.

The purpose of the Amendment is to include funding of the Microwave Radio Project. The microwave radio equipment provides circuits for communications between the 911 Center and the radio system used by all the County's emergency services. The equipment purchased under this Amendment will replace the old microwave equipment purchased in 1994 which is exhibiting poor reliability due to age and difficulty obtaining parts and service.

The Microwave Radio Project was presented to the Board of Commissioners on June 15, 2010 and included in the FY 11 budget. The City and County have agreed to share equally in the cost of the project, with a total not-to-exceed amount of \$650,000. The project will be funded with the remaining \$408,810 in the 911 Surcharge Fund Balance, formerly administered by Durham County. Any costs over and above the \$408,810 fund balance will be split equally between the City and County, up to a maximum of \$650,000. The project is scheduled to be completed in December of 2010.

RESOURCE PERSONS: Carolyn P. Titus, Deputy County Manager, Rik Rasmussen, City Radio Shop, and Pam Meyer, Budget Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board approve the Amendment to the Radio Interlocal Agreement with the City of Durham.

County Manager: *Richard M. Rappin*

	Motion	Yes	No
() Approved			
() Denied			
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

**STATE OF NORTH CAROLINA
COUNTY OF DURHAM**

**FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT
REGARDING THE 800 MHz RADIO SYSTEM UPGRADE**

THIS FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT REGARDING THE 800 MHz RADIO SYSTEM UPGRADE is entered into on June __, 2010 by and between the CITY OF DURHAM, a North Carolina municipal corporation (the "City") and the COUNTY OF DURHAM, a political subdivision of the State of North Carolina, (the "County"). This Agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes.

On _____, 2005, the City and County entered into an Interlocal Agreement regarding the 800 MHz Radio System Upgrade (hereinafter the "Original Agreement") to address operation and funding of the Radio System, and to consolidate operation and management of the Radio System. The parties now desire to amend the Original Agreement to enhance the radio system further.

NOW THEREFORE, the City and County hereby agree to amend the Agreement as follows:

1. The following section 7 is hereby added to the Original Agreement to read as follows:

Section 7. Upgrade of Microwave Radio System

7.1. The City shall add new microwave radio equipment at the City's four radio tower sites and at the Police Headquarters building, located at 505 W. Chapel Hill Street (hereinafter referred to as the "Microwave Radio Project"). The microwave radio equipment provides circuits for communications between the 911 Center and the radio system, and for the simulcast capability of the four radio towers. The equipment will replace the old microwave equipment purchased in 1994 which is exhibiting poor reliability due to age and difficulty obtaining service and parts. The new equipment will also increase the communications capacity of the microwave radio system. The Microwave Radio Project is estimated to be completed by _____.

The City has entered into a contract with Wireless Communications Inc. to provide and install the microwave radio equipment for \$571,581.00. The City's CIP includes additional funding for technician training, contingencies, and the future relocation of the microwave equipment to the new radio building being constructed by the City at the Camden Ave. tower, which is estimated to be completed by _____ (which is not included in the Microwave Radio Project).

7.2. Funding of the Microwave Radio Project. The City and County agree to share in the cost of the Microwave Radio Project up to a total Project cost of \$650,000, in the manner provided below.

A.) The County agrees to pay the City an amount equal to the then remaining fund balance (currently approximately \$408,810) from the former locally administered Durham County 911 Surcharge Fund, which account will be closed after payment is made.

B.) In addition to subsection 1 above, the County agrees to share equally with the City in

the remaining cost of the Microwave Radio Project. Any costs incurred by the City that increases the Microwave Radio Project costs above \$650,000 shall be the sole responsibility of the City.

C. Payment by the County will be made upon receipt of an approved invoice following the completion of the Microwave Radio Project. This amount shall be in addition to initial Upgrade as otherwise set forth in the Original Agreement.

2. Except as amended hereby, the provisions of the Original Agreement are reaffirmed and remain in full force and effect.

The parties have caused this First Amendment to the Interlocal Agreement regarding the 800 MHz Radio System Upgrade to be executed as of the date first stated above by authority duly granted by the Durham City Council and the Durham County Board of Commissioners.

CITY OF DURHAM

COUNTY OF DURHAM

City Manager

County Manager

(SEAL)

(SEAL)

City Clerk

Clerk to the Board

**This instrument has been preaudited
in the manner required by the Local
Government Budget and Fiscal Control
Act.**

**This instrument has been preaudited
in the manner required by the Local
Government Budget and Fiscal Control
Act.**

**Director of Finance
CITY OF DURHAM**

**Director of Finance
COUNTY OF DURHAM**



9r

**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Request for Authorization to Amend an Engineering Services Contract with Sud Associates for the Design Development and Construction Documents for the Replacement of the Administrative Complex Chiller to Secure ARRA Grant Funding for Energy Efficiency Upgrades

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is requested to authorize the Manager to amend an existing engineering contract of \$46,600 with Sud Associates to include \$17,500 for additional construction engineering services necessary to qualify for ARRA \$170,252 grant funding for energy conservation upgrades.

On September 14, 2009, the Board approved the amount of \$46,600 for engineering services to replace the existing chilled water plant and associated equipment at the Administration Complex as part of the Capital Improvement Plan. During the engineering design phase, we found the ability to secure additional grant funding from the North Carolina Energy Office to include additional energy conservation measures coupled with the current chiller replacement project.

The State Energy Office initially contracted with Sud Associates to investigate and propose additional energy conservation measures within the building to assist the County in submitting an application for funding. The funding is available through the American Recovery and Reinvestment Act (ARRA) but must be used in conjunction with a project that the local government is already funding. The Sustainability Office submitted an application to the State Energy Office and received approval for a total of \$170,252 to include additional Building Automation Systems (BAS), lighting upgrades and the installation of daylight controls, all designed to improve energy conservation in the Administration building.

As mentioned before to secure the additional ARRA funding, we must include the work in a pre-existing energy conservation project contract. The funding can only be used for the actual construction work and the required engineering services are excluded from the ARRA funding.

Sud Associates is requesting an additional \$17,500 to design the additional conservation measures into the chiller project to secure the \$170,252 ARRA grant funding. The actual grant funding will be paid out with normal progress payments from the State Energy Office. With the chilled water plant engineering completed, Sud Associates feels comfortable our

bidding process will bring the project in on budget and the additional \$17,500 can be absorbed in the existing CIP budget.

Sud Associates is located in Durham, North Carolina and has completed a number of successful projects for Durham County in the past.

Funding for this project is included in the county's Capital Improvement Plan - Administration Building Refurbishment project, which totals \$6,524,926 over a period of five years. Funding designated for FY 2009-10 includes the 5th floor IT office reconfiguration and fire suppression system for \$500,000, and the chiller replacement for \$625,000.

RESOURCE PERSON(S): Don Hasselbach, Assistant Director of General Services, Tobin Freid, Sustainability Manager

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board authorize the Manager to amend an existing engineering contract of \$46,600 with Sud Associates to include \$17,500 for additional construction engineering services necessary to qualify for ARRA \$170,252 grant funding for energy conservation upgrades.

County Manager: *Richard M. Reppin*

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____



North Carolina Department of Commerce Energy Division

Beverly Eaves Perdue, Governor
Dale Carroll, Deputy Secretary

J. Keith Crisco, Secretary
Ward Lenz, Energy Division Director

May 6, 2010

Dear Mr. Freid:

Thank you for submitting a response to the State Energy Office request for proposals to participate in the Energy Efficiency Community Block Grant Program. Congratulations, Durham County's response has been awarded \$170,252 for adding energy efficient lighting and chiller replacement. We look forward to working with you as you implement your project.

A purchase order will be issued when we have verified receipt of all required signed documents, your DUNS number and your registration with E-procure.

We will be contacting you shortly with instructions on attending a Webinar on the reporting and monitoring requirements of the grant and to coordinate the start date for your project. The Webinar will be coordinated through the community college. **Please do not commit or expend any funds until we meet with you to discuss the EECBG requirements.**

If you have any questions, please contact Richard Self.

Sincerely,

A handwritten signature in black ink, appearing to read "Ward Lenz", written in a cursive style.

Ward Lenz
Director, State Energy Office



North Carolina Department of Commerce Energy Division

Beverly Eaves Perdue, Governor
Jennifer Bumgarner, Assistant Secretary, Energy

J. Keith Crisco, Secretary
Ward Lenz, Energy Division Director

August 5th, 2010

Dear: Ms. Tobin L. Freid
Sustainability Manager
Durham County

Attached is Amendment #1 which applies to your ARRA grant from the State Energy Office. Located on the second page of the introduction for the application was a condition that you would be subject to all current and future rules and regulations promulgated by the state and federal government. We now have more definitive information on the applicable rules and regulations and have expanded to include language which we hope will explain these requirements. Please read this document carefully, it is not a "boiler plate" and was written specifically for this grant.

You do not need to sign the form or return anything at this time. When you have received bids and the contract amendment is processed to reflect actual cost and milestones, the revised budget will incorporate this amendment.

Any contract you issue to implement your grant must have the appropriate terms and conditions applicable to the type of service included as a part of the contract you issue. Further, if the contractor you select issues a sub-contract, they must attach the same terms and conditions document to that sub-contract. To assist you in this I have attached a checklist to provide some guidance.

We will be working diligently to meet with you as quickly as possible so you can move forward to implementing your project.

Thank you for your patience and we look forward to the initiation and completion of your project.

Richard Self
Energy Section Chief
rself@nccommerce.com

Attachments: 2

Location:
1830A Tillery Place
Raleigh, NC 27699-4345
www.energync.net

Telephone (919) 733-2230
Fax (919) 733-2953

Mailing Address:
4345 Mail Service Center
Raleigh, North Carolina 27604

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Administration Building Refurbishment

Project Cost Estimates	Prior Years	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	Total Project
Planning	\$54,500				\$473,250							\$527,750
Land Acquisition	\$0											\$0
Construction	\$545,000	\$1,125,000		\$409,126	\$3,155,000							\$5,234,126
Equip/Furnishings	\$0				\$189,300							\$189,300
Other	\$0											\$0
Contingencies	\$100,500				\$473,250							\$573,750
Project Total	\$700,000	\$1,125,000	\$0	\$409,126	\$4,290,800	\$0	\$0	\$0	\$0	\$0	\$0	\$6,524,926

Funding Sources												
County Contribution	\$0	\$1,125,000										\$1,125,000
General Obligation Bonds	\$0											\$0
Two Thirds Bonds	\$700,000											\$700,000
COPS/Bank Financing	\$0			\$4,699,926								\$4,699,926
Enterprise Fund	\$0											\$0
Revenue Bonds	\$0											\$0
Miscellaneous Revenue	\$0											\$0
Funding Total	\$700,000	\$1,125,000	\$0	\$4,699,926	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,524,926

Operating Impact												
Additional Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Minus Savings	\$0											\$0
Net Additional Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Minus New Revenues	\$0											\$0
Operating Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Function: General Government

Department: Engineering

Project Description: The Administration Building, located at 200 East Main Street, originally was built in the 1920s and a large renovation was completed in 1991. This project is to refurbish or replace items that may have worn out or outgrown their useful life. In FY 2008-09, this project included renovations to the building's fifth floor, including skylight replacement and data center improvements. In FY 2009-10 chillers will be replaced along with 5th floor office reconfiguration and fire suppression system replacement. In FY 2011-12 two boilers will be replaced. In FY 2012-13, general building repairs will include carpeting, painting, and replacing fixtures. A building condition assessment will be undertaken to determine the specific repair and refurbishment needs.



COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form

ITEM: Approval of Statewide ideas for NCACC 2011 Legislative Goals Process

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

Following the Board's discussion and direction from the August 23rd meeting, we have developed the items submitted and await approval so that we can meet the NCACC deadline of September 15th.

Every other year, the North Carolina Association of County Commissioners (NCACC) prepares a package of legislative goals that the Association's lobbying team and elected officials pursue before the General Assembly. Each county may submit proposed goals to the Association through one of the Association's seven steering committees, who review the proposals and recommend their choices to the Legislative Goals Committee.

The seven committees are: Agriculture, Human Services, Taxation and Finance, Environment, Public Education, Justice and Public Safety and Intergovernmental Relations (a catchall for issues that don't fit elsewhere).

The Legislative Goals Committee typically meets 3-4 times during the fall before the long session to discuss the proposed goals. The committee discusses the items and recommends a slate of goals to the Board of Directors. The Board of Directors then fine-tunes the package and distributes it to all the counties. County commissioners from across the state convene at the Legislative Goals Conference in January to discuss and vote on the goals package.

RESOURCE PERSON(S): Deborah Craig-Ray, Assistant County Manager; Lowell Siler, County Attorney

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the list of possible legislative issues of statewide concern and forward to NCACC.

County Manager: *Richard M. Ruffin*

	Motion	Yes	No
() Approved			
() Denied			
Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____

**NCACC 2011 Legislative Goals
Recommendations for
Durham County to submit to NCACC
September 13, 2010**

1. Sales Tax Exemption: Support legislation to allow public schools systems to regain access to sales tax refunds.

Rationale: Legislation would restore public schools' access to sales tax refunds in the same manner as for private schools. Durham County, like many other counties currently acts as project manager for Durham Public Schools construction projects to reduce the costs to DPS. Many bills were introduced in the past session, but because it would have negatively impacted the state's budget situation none were adopted according to NCACC analysis.

2. School Attendance: Support Legislation to increase the compulsory school attendance age.

Rationale: This item was submitted during the last NCACC process. The goal is to incrementally increase the compulsory school attendance age over time to help increase in graduation rates, reduce dropout rates and to help students become more employable and productive citizens in this global economy. Legislation is sought to raise the attendance age and to make a clear statement about the value and importance of an education to an individual's future. Several bills were introduced in both the House and Senate during the past session, but none were passed.

3. Inmate Medical Care Fees: Support legislation that would authorize medical care providers to charge the state and counties no more than the rates set in the Medicaid or Medicare schedule of charges for inmate medical care.

Rationale: During the past few years attempts have been made to rein in medical charges for inmates. During the last session there were talks between the Department of Corrections, Senate Appropriations on Justice and Public Safety and hospital representatives. Unfortunately, the talks between the parties were not very productive and the legislation never gained traction. Durham County and NCACC have both worked on this issue previously.

4. Annexation: Support legislation to modernize Annexation Laws

Rationale: The issue of annexation has been the subject of legislative issues for previous sessions. In speaking with Kevin Leonard of NCACC he noted that the organization has sought to find a middle ground on this controversial issue. In a previous goal adopted by NCACC, the key issues sought in annexation legislation would include the following:

- Requiring the development of joint utility service plans for urbanizing areas;
- Requiring cities to reimburse counties for the loss of sales tax due to an annexation
- Increasing the degree of urbanization required to annex property;
- Requiring a referendum on proposed involuntary annexations in areas where public services – water and sewer and solid waste – are already in place; and
- Requiring the direct provision of municipal water and sewer services to customers within three years of an annexation.
- Providing that counties have the option of continuing to provide utilities to annexed areas.
- Setting the effective date for involuntary annexations to be June 30 following the date of adoption or final resolution of an appeal.

5. Court Funding: Support Legislation to adequately fund the court system.

Rationale: Increased funding is sought to provide sufficient responses for specialty courts including mental health courts and drug courts for all jurisdictions seeking to operate them. Currently such specialty courts exist in court districts more proximate to our urban communities. We would like to see uniformity in the provision of these court services in all jurisdictions.

6. Juvenile Age: Support Legislation to increase age at which a person can be charged as an adult to 18 years.

Rationale: A study commission looking at juvenile related legislation is currently underway. The group has been looking at increasing the age in which a person can be criminally charged as an adult to 18 years old. The committee is the Youth Accountability Planning Task Force. Durham Senator Floyd McKissick Jr and Orange County Senator Ellie Kinnaird are chairs. According to a review of the group's minutes, a preliminary report is due to the General Assembly this fall. A Final Report is expected in mid January.

Observers think there appears to be solid support to make changes happen. It will most likely be implemented in phases. Additional facilities would likely result to house the new class of offenders. NC is only one of three (soon to be only two) states that consider 16 or 17 year olds as adults in the criminal justice system. The members have been looking at evidence-based programs and effective best practices for juvenile offenders in North Carolina and other states in order to bring forward a recommendation.

7. Criminal Justice Resource Center Funds: Support Legislation to fund JCPC, CJPP and other community based correction programs.

Rationale: Increased funding is sought for JCPC, CJPP and other community based corrections programs. Over the past two sessions, funding for these programs has been subject to substantial reductions. These programs are important components in the continuum of services for adult and juvenile offenders and should have stable funding.

8. **Burden of Proof in Tax Appeals:** This item has been removed due to advice of our outside legal counsel on Tax Appeals. You will recall we also removed it following a ruling in the IBM case earlier this year.

SUPPORT ITEMS INITIATED BY OTHER ASSOCIATIONS:

The following are proposed goals submitted by Durham County Tax Administrator Kim Simpson on behalf of NC Tax Collectors Association and NC Association of Assessing Officers for support on the statewide level. She is seeking the Board's support for:

1. **Standardized approach to municipal vehicle fees** – The law governing vehicle fees allow cities and counties to adopt varying rules as to which vehicles are subject to such vehicle fees. The Division of Motor Vehicles has asked that all cities and counties levy the fee similarly so that the new “moto-tax” system can be programmed and applied consistently. (Moto-Tax is the one stop payment system of renewal of tag and payment of taxes at the same time) Therefore, the NCAAO and NCTCA will seek legislation that will have vehicle fees adopted at the time the tax rate is adopted, and will request the fee be imposed on any registered and unregistered vehicles.
2. **Central Listing and Assessing of Cellular and Cable Companies** – Support legislation to centrally list and assess cellular companies and cable companies as public service companies.
3. **Reimbursement, In Rem Foreclosures** – Support an increase in the reimbursement rate for local government collection efforts related to in rem foreclosures. Currently we are only allowed to charge an administrative fee of \$50.00 and based on the number of attempts to communicate and have record of such communication you exceed the \$50.00.



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COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COMMISSIONERS
Agenda Action Form

ITEM: Public Hearing - Text Amendment to the Unified Development Ordinance (UDO)
- Nonconforming Off-Premise Signs (Billboards) (TC1000002)

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is requested to receive public comments on Text Change – Nonconforming Off-Premise Signs (Billboards) (TC1000002) and to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 11, Sign Standards. *This item was continued by the County Commissioners at their August 9, 2010 meeting.*

RESOURCE PERSON(S): Steven L. Medlin, AICP, City-County Planning Director; Keith Luck, AICP, Assistant Planning Director; T.E. Austin, AICP, Planning Supervisor; Julia Mullen, Planner

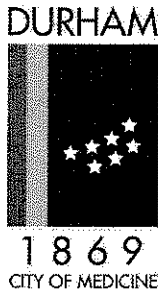
COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board conduct a public hearing on the proposed UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

County Manager: _____

Motion Yes No

- () Approved
() Denied

Bowser	_____	_____	_____
Heron	_____	_____	_____
Howerton	_____	_____	_____
Page	_____	_____	_____
Reckhow	_____	_____	_____



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

MEMORANDUM




This item was continued by the County Commissioners at the August 9, 2010 meeting at the request of the applicant.

Date: September 13, 2010

To: Durham County Board of Commissioners

Through: Mike Ruffin, County Manager

From: Steven L. Medlin, AICP, City-County Planning Director 

Re: Text Amendment to the Unified Development Ordinance (UDO) –
Nonconforming Off-Premise Signs (Billboards) (TC1000002)

Summary

This text amendment is requested by Fairway Outdoor Advertising (Fairway or the applicant) and would revise the off-premise sign provisions of the UDO. Off-premise signs include signs commonly known as billboards. The amendment would change the treatment of billboards, in particular by allowing digital billboards equaling twenty-five percent of Durham's current billboard face area. Existing billboards could be reconstructed, and could be relocated within a billboard overlay district created along interstates and major roads. New billboards would have steel monopole construction, and could have lighting and the maximum height allowed under state law. The UDO currently prohibits new billboards, and relocation and upgrade of existing billboards. Existing billboards can be maintained but lighting, height, and materials cannot change. The effect of the requested amendment would be to remove older billboards that are currently gradually being removed and install new billboards, potentially in new locations. One quarter of the billboards could be digital and all could be 50 feet higher than the roadway and lit. This requested text amendment raises concerns in the areas of aesthetics, public safety, environmental impacts, effect on other aspects of the sign ordinance, and potential legal problems. It would also require resources that the Planning Department lacks.

Recommendation

The Planning staff recommends denial of the proposed text amendment based upon objective analysis of the available information for the following reasons. First, increased prominence of billboards and digital billboards in particular could have a negative impact on the Durham's appearance. Second, the applicant's request is problematic in many critical areas, including public safety, environmental impacts, effect on other aspects of the sign ordinance, and legal issues. Third, the current

ordinance has worked well for Durham and represents twenty years of carefully considered governing body decisions regarding the aesthetic and economic impacts of signage. Fourth, Durham citizens overwhelmingly support maintaining the current ordinance. Fifth, implementing the request would provide little economic benefit to Durham and require significant resources that Durham lacks. Community leaders in the 1980s also were concerned that existing billboards could disturb nearby residents and negatively affect economic development by deterring businesses and individuals that are choosing among Triangle communities.

Billboards can serve a useful purpose by providing advertising for local businesses or attractions, and digital billboards have been used successfully to broadcast emergency information. There are many other ways to advertise, however, and emergency information is already displayed on official signs. Display of public service announcements as proposed by the applicant is problematic as discussed further in Section 8, Legal Issues. On balance, staff believes that the direct and indirect costs to Durham of implementing the applicant's request would outweigh any potential benefits.

It is important to note that Fairway's proposal should not be adopted as submitted. If adoption is considered, there are a number of changes required to make it lawful, clear, and implementable. Staff would also recommend incorporating better technical and policy regulations. A zoning map change would be required to apply the proposed billboard overlay zoning district.

The Durham Planning Commission, on April 13, 2010, voted 12-0 to recommend denial. Planning Commission comments are included in Attachment 5. Durham City Council held a public hearing on this item on August 2, 2010. The Council denied the request (7-0). This item was continued by the County Commissioners at the August 9, 2010 meeting at the request of the applicant.

Background

Planning staff in preparing this report consulted with staff from the North Carolina Department of Transportation, the City and County Attorney's Offices, City Transportation, City-County Inspections, and the City-County Sustainability Office, among others. Analysis draws heavily from materials provided by the American Planning Association (APA); the American Association of State Highway and Transportation Officials (AASHTO); studies commissioned by federal, state, and local governments; and information provided by the Outdoor Advertising Association of America (OAAA) and Scenic America. Fairway's application, including cover sheet, proposed text amendment (proposed text does not follow standard formatting), and proposed text amendment justification is Attachment 1 to this memorandum. Attachment 2 is a Planning Department map depicting current billboard locations and the approximate location of Fairway's requested Billboard Overlay District (the residential use restriction is not included and would need to be determined on a case by case basis). The map also depicts where billboards could currently be located in

the overlay under state law. Attachment 3 contains information from the City's peer cities as requested by Joint City-County Planning Committee (JCCPC) and Attachment 4 provides a list of sources for this memorandum. Attachment 5 contains written comments from Planning Commissioners from the April 13, 2010 meeting.

In the mid-1980's, with the support of Durham businesses and citizens, the City Council passed an ordinance that prohibited new billboards and required removal of billboards not subject to federal protection under the Highway Beautification Act (billboards on interstates or federally assisted highways). Removal was required over a period of five and one-half years, later changed to six years. The County sign ordinance was similarly changed when City and County Planning functions merged in 1988, but most billboards subject to removal were within City limits. Fairway's corporate predecessor, Naegele Outdoor Advertising, sued the City. The City spent more than a million dollars and over ten years litigating in federal court. The City ultimately prevailed after Naegele appealed unsuccessfully to the United States Supreme Court. As a result, many billboards were removed from local roads. The ordinance required the remaining billboards to comply with various restrictions commonly applied to nonconformities—they can be maintained but not upgraded or relocated. The intent was that over time many nonconforming billboards would be removed. The current ordinance's nonconforming off-premise provisions are substantially the same as the provisions adopted in the mid-1980's and reflect the continuing policy direction of the governing bodies since that time. That policy direction was reinforced in the early 1990's when the governing bodies adopted changes to the on-premise sign ordinance that required many business signs to be removed or reduced in size after an amortization period. The overall result of Durham's sign ordinance, both off-premise and on-premise, has been to make all signs less prominent and improve the community's appearance. The Unified Development Ordinance maintained the policy direction.

Section 1. Current Request. Fairway's current request is a revised version of a request it submitted in May of 2008. After considering Fairway's initial submission, the Joint City-County Planning Committee (JCCPC) recommended that Fairway present its proposal to various community groups and boards. Fairway did so, and the responses as reported to the Planning Department are included in this discussion. Fairway withdrew its initial request in August of 2008, saying that a new one would be forthcoming. The Planning Department in February 2009 made a presentation to the JCCPC on its billboard research to date.

Fairway submitted its current request with fee on November 6, 2009. The applicant submitted a slightly revised version of its proposed text in March 2010, changing only responsibility for certain actions from the City or County Manager to the City or County, as appropriate. On January 6, 2010, the JCCPC directed the Planning Department to give the request priority behind only state-mandated items. On March 3, 2009, the JCCPC asked for benchmarking information for Durham's official peer cities and relevant case law regarding this request. Peer city benchmarking is included as Attachment 3 and references to relevant case law are included in Attachment 4.

The applicant held a press conference in June announcing a web site and showing support for their proposal. The web site highlights issues surrounding billboards and digital billboards. The Greater Durham Chamber of Commerce, the City-Wide Partners Against Crime and the N.C. Sheriff Police Alliance spoke in support of Fairway's proposal. Recent events have called into question the support by the City-Wide Partners Against Crime.

Section 2. Current Billboards and Projections. Planning staff worked with North Carolina Department of Transportation staff in 2009 and 2010 to assess the existing billboards in Durham. Existing billboard locations are shown on Attachment 2. Staff identified 94 billboards, down from 101 in 2000. Of those, 61 are on wood supports and 33 are on metal supports. There are 69 billboards on multiple poles and 25 on steel monopoles. Forty-two of Durham's 94 billboards have two or more faces. The North Carolina Department of Transportation (NCDOT) issues permits for billboard structures, each of which may have more than one face. Configurations include side-by-side, back-to-back, v-shape, and double-decker. Forty-nine billboards are located in the City, and 45 in the unincorporated County. Billboards are located on:

US 15-501 North (1)	US 70 West (13)
US 15 501 South (1)	US 70 Business East (1)
US 15-501 Business North (1)	US 70 Business West (1)
US 15-501 Bypass North (1)	US 70 Bypass East (3)
US 15-501 Bypass South (3)	US 70 Bypass West (3)
US 501 North (5)	I-85 North (13)
US 501 South (1)	I-85 South (20)
US 501 Business North (4)	NC 147 North (8)
US 501 Bypass South (1)	NC 147 South (1)
US 70 East (12)	NC 55 South (1)

At least 38 of Durham's 94 billboards currently violate state requirements. Six appear to be dilapidated or abandoned and could possibly be removed. Staff estimates that eight additional billboards will be removed due to East End Connector right-of-way acquisitions, and that Alston Avenue widening will remove one or two more. Billboard owners receive compensation from the state for removals due to road construction.

At least 45 of Durham's billboards are considered nonconforming by the state due primarily to violation of state standards regarding location in local zoning districts, spacing, and distance to ramp access. Thirty-one of those billboards are in the unincorporated County, 14 in the City. Several more billboards along the East End Connector project will likely become nonconforming if not removed due to their proximity to each other and the road's transition to fully controlled access. A sign that is nonconforming under state law may not be converted to digital or relocated off the current sign site unless it moves to a conforming area under a new NCDOT sign permit and becomes a conforming sign that meets all current state standards. Under

local law, all of Durham's billboards are currently nonconforming and may not be relocated or converted to digital.

Fairway owns half of the billboards in Durham. It owns 47 billboards, 32 with two or more faces. Twenty-two are metal monopole construction, and 25 have multiple poles, four of metal and 21 of wood. Twenty-eight Fairway billboards are located in the City and 19 in the County. Ten Fairway billboards appear to have correctible state violations. At least 16 Fairway billboards appear to be nonconforming as interpreted by the state. Fairway's billboards are located on:

US 15-501 Bypass South (1)	US 70 Business West (1)
US 501 North (4)	US 70 Bypass East (2)
US 501 Business North (4)	US 70 Bypass West (2)
501 Bypass South (1)	I-85 North (2)
US 70 East (7)	I-85 South (9)
US 70 West (7)	NC 147 North (5)
US 70 Business East (1)	NC 147 South (1)

Digital billboards are lucrative. Revenue from a standard billboard face is \$1,000 to \$2,000 per month, or \$12,000 to \$24,000 per year, using industry averages. Using industry averages, a digital billboard face generates at least \$14,000 per month, or \$168,000 per year. Eleven digital billboard faces would mean revenues of \$1,848,000 per year. A digital billboard costs \$200,000 to \$500,000 and so could be paid off in two to three years. Because they are so lucrative, digital billboards would be very expensive for Durham to remove once installed. The City or County would have to pay "just compensation," which could include the value of the property plus lost revenues. A steel monopole billboard has a lifespan of 50 to 70 years and compensation for removal could therefore amount to millions of dollars.

Section 3. Aesthetics. Beginning in the mid-1980's, Durham, like many other areas nationwide, determined that removing existing billboards and prohibiting new ones would improve the aesthetics and overall image of the City and County. The changes were supported by the business community, which advocated for a more attractive appearance for citizens and business alike, with an emphasis on attracting new business. The decision resulted in years of litigation at great taxpayer expense, but was upheld in the end. The consensus at the time was that Durham's appearance was greatly improved by regulating signs, including billboards, with the removal of nonconforming signs through amortization and being handled as legal nonconforming.

Staff has also received comments indicating that many of Durham's existing billboards are considered an eyesore and could be improved in appearance. These comments are being taken into account and, given available resources, increased state and local enforcement should improve maintenance on existing billboards and expedite removal of others. The current ordinance requires that existing billboards be maintained up to a point. They must be removed if maintenance requirements are

excessive or if they become dilapidated. Aesthetics is discussed further below in Issues, Section 3, Aesthetics.

Section 4. Public Safety. Billboards have been along the nation's highways for quite some time. The debate about their impact has been around almost as long. The billboard industry has issued two studies indicating that digital billboards are safe, which have been discredited by independent peer review studies commissioned by the State of Maryland (2007) and the Highways Subcommittee on Traffic Operations (SCOTE) of the American Association of State Highway and Transportation Officials (AASHTO) (2009). Notably, the author of one of the industry studies, Suzanne Lee, believes that the potential for drivers to be distracted by digital billboards should be investigated further.

The Federal Highway Administration (FHWA) in 2009 issued a Phase 1 report on digital billboards that included a literature review and investigation of applicable research methods and techniques. It also analyzed the key factors or variables that affect driver response to digital signs or serve as indicators of driver safety. It made recommendations for future research in three stages—determination of distraction, basis for possible regulation, and relationship of distraction to crashes. The first stage of that research is now underway. (Concurrently, the FHWA's interpretation of the Highway Beautification Act to allow digital billboards, made in 2007 under the Bush administration, is under scrutiny. The Georgetown Institute for Public Representation, a public interest law group, filed a petition with the FHWA in February 2010 to reverse its interpretation.) The 2009 AASHTO report also provides a comprehensive review of the research to date, and offers guidance to state and local governments that wish to allow digital billboards prior to the FHWA results. Particulars are discussed below in Section 10, Technical Regulation of Digital Billboards.

The FHWA promulgates standards for official signs, including digital signs, which are contained in the Manual of Uniform Traffic Control Devices (MUTCD). The 2009 MUTCD, effective January 15, 2010, contains a new Chapter 2L, Changeable Message Signs. It strictly regulates such factors as legend height, color, phases per cycle, and display time in order to protect drivers. The MUTCD training information explains that Chapter 2L was created "to consolidate all information about changeable message signs into one location and to incorporate the results of extensive research on changeable message sign legibility, messaging, and operations that has been conducted over a period of many years." Comparing the MUTCD standards to advertising usage, the 2009 AASHTO report explains:

...[t]he MUTCD and the research on which it relies recognize that road signs are something of a "necessary evil." They are required to communicate warnings, regulations, guidance and other information to road users. However, because even official signs draw the driver's eyes away from the principal task, such signs are designed to communicate their message quickly, clearly, and consistently. Advertisers, on the other hand, have demonstrated little predilection to

follow these principles; rather, their goal is to attract the driver's attention, and hold it long enough to communicate their message.

Digital billboards have been used to assist in emergencies and crimestopping, but many local governments are now recognizing that they need to balance that assistance against other concerns, especially driver safety. Neither Durham Police Department nor the Durham County Sherriff's Office use billboards currently or in the past for non-recruiting purposes. Official signs regulated under the MUTCD are the appropriate venue for broadcasting public emergency messages such as Amber and Silver alerts. Public safety is discussed further below in Issues, Section 5, Public Safety.

Section 5. Environmental Protection/Sustainability. Any new billboard is by definition not as environmentally sensitive as an existing billboard because it requires the use of new materials and causes land disturbance during construction. Also, digital billboards have high-energy usage and emissions. One standard-sized digital billboard contains 449,280 light-emitting diodes (LEDs). According to Scenic America, it consumes on average 397,486 kWh/year, has a carbon footprint equal to 49 traditional billboards or 13.39 homes, and generates 108.41 tons/year of carbon dioxide.

Small preexisting trees may be removed along 250 feet of the main travelled way near a billboard under a NCDOT permit. Trees can of course be removed to any extent on private land where the billboard is located. Last year, when the billboard industry attempted to increase the 250 feet standard to 375 feet, the North Carolina Chapter of the American Planning Association (NCAPA) opposed the change on the grounds that "[t]he perception of our State, particularly for visitors, is defined to a large extent by views from our roads." Environmental impacts are discussed further below in Issues, Section 6, Environmental Protection/Sustainability.

Section 6. Actions by State and Local Governments, State and local governments nationwide are grappling with the issue of digital billboards, and adopting a variety of approaches. Many allow digital billboards but an increasing number are either prohibiting them or imposing moratoriums to allow for study of the issue. Local governments in North Carolina reflect the national trends.

Governments in the Triangle such as Raleigh, Cary, Chapel Hill, Cary, Morrisville, and Apex prohibit digital billboards; while other North Carolina municipalities, such as Charlotte, Greensboro and Winston-Salem are allowing them. Watauga County, North Carolina (Boone, Blowing Rock) recently prohibited all new billboards and conversion from standard to digital following citizen complaints about three digital billboards owned by Lamar Advertising.

The same trends hold true across the nation. At least 11 states prohibit digital billboards, and Montana and Kentucky have instituted temporary bans to allow for assessment of pending safety studies but others allow them. Michigan and Minnesota

are currently considering moratoriums. Between April and December of 2008, 23 cities within Texas alone prohibited digital billboards, and six imposed moratoriums. The City of Los Angeles in January 2009 imposed a two-year moratorium due to negative citizen response, particularly from poorer citizens who happened to live near digital billboards, to a court settlement in which it allowed them. Los Angeles then adopted an emergency ordinance in August 2009 banning digital billboards, both new and converted, from most areas of the city. The unanimous City Council vote came in response to another pending legal challenge to the moratorium, which had been previously upheld in federal court. San Francisco voters recently voted down a proposal for a new downtown billboard district with digital signs. Many cities also prohibit digital billboards, including Houston, Austin, Galveston, Dallas, Fort Worth, San Diego, Pasadena, Santa Monica, Des Moines, St. Paul, Wichita, St. Petersburg, and Denver. St. Louis, El Paso, and San Antonio have imposed moratoriums and Atlanta is considering a ban. Many of the above locations prohibit all new billboards, standard as well as digital.

Section 7. Joint City-County Committee Request. The JCCPC asked the applicant to present its original proposal to interested community groups. The Planning Department received the following responses to the applicant's subsequent outreach:

- *November 2008.* The Greater Durham Chamber of Commerce Board of Directors adopted a resolution in support of the previous requested text amendment. The Department received a letter from the Chamber president in April 2010 reiterating the Chamber's support of the current proposal.
- *January 2009.* The Durham City-County Appearance Commission voted 9-5 that digital billboards should not be considered in any proposed text amendment regarding billboards. Eight members voted for considering a text amendment regarding billboards, assuming that the existing billboards will otherwise never be removed and that the amendment would result in more attractive signs and a reduction in quantity.
- *January 2009.* Downtown Durham Inc. issued a letter to Fairway in response to Fairway's request that DDI consider the requested text amendment. DDI declined to take a position on changes to the billboard ordinance, citing lack of consensus and insufficient information.
- *March 2009.* The Inter-Neighborhood Council voted to oppose any changes to Durham's strict regulation of billboards after hearing presentations by Fairway and INC members on the subject.
- *August 2009.* In an independent survey commissioned by the Durham Convention and Visitors Bureau, Durham citizens clearly support maintaining the current sign ordinance. Seventy-two percent of those surveyed supported maintaining the ordinance, 20 percent were undecided, and 8 percent were opposed. Results were consistent along gender lines. Along racial lines, African-Americans supported the current ordinance 11:1, Caucasians 10:1, Hispanics 5.5:1, and Asians, 4:1. Recent arrivals to the area showed lower support ratios (4.5:1) than long-time citizens whose support for the current ordinance ranged from 8:1 to 20:1.
- *April 2010.* The Durham Environmental Affairs Board passed a resolution opposing the current proposal.

In addition, Planning staff have reviewed numerous citizen e-mails concerning billboards, the vast majority of which oppose changing the sign ordinance, generally for aesthetic, safety, or environmental reasons. The majority of newspaper letters to the editor appear to oppose digital billboards. A citizen web site has been created in support of the current billboard ban.

Issues

The proposed text amendment raises numerous issues, including aesthetics, public safety, environmental, effect on other portions of the sign ordinance, legal, staffing, and funding. In addition, different technical and policy regulations should be considered if digital boards are to be allowed. Below is a discussion of the proposal and issues generated from its review.

Section 1. Fairway's Proposal. Attachment 1 contains Fairway's proposed text (proposed text does follow standard formatting). Major points are listed and discussed below. State regulation is addressed where appropriate, including in the context of nonconformities. As discussed above in Background, Section 2, Current Billboards and Projections, at least 45 of Durham's billboards are currently considered nonconforming by the State. (All are considered nonconforming under local law.)

- *Billboard Overlay District.* Creation of a billboard overlay district along the interstates and major highways in the City and County, including NC 147 (except in Research Triangle Park); US 70; US 15-501; I-85(except in the Major Transportation Corridor Overlay); and the planned East End Connector;

Staff Discussion. The proposed overlay district does not indicate business or bypass routes of listed highways. Both are included in the Attachment 2 map. Also, creation of a billboard overlay district that contains zoning districts in which billboards are not allowed may be problematic.

- *Billboard Registration.* Mandatory billboard registration with the City or County as appropriate;

Staff Discussion. Registration of all Durham billboards within 90 days of ordinance adoption would require staff to assess state permit compliance for each billboard. No system to check state permit exists at this time. It would also require enforcement against any billboard owner that did not seek registration as required. Staffing, funding and assignment would need to be done. Existing staff could not accomplish this requirement without more resources or modifying current priorities.

- *Removal, Relocation and Reconstruction of Registered Billboards.* Relocated and/or reconstructed Registered Billboards are allowed only onto non-residentially-zoned lots in the billboard overlay district, assuming property owner assent, under permits issued by the Planning Department.

Staff Discussion. Under state law, the underlying zoning must be commercial or industrial. Office and Institutional zoning, for instance, is non-residential but not commercial or industrial. In addition, state law does not allow billboards on Scenic Byways, one of which exists in northern Durham. As with registration,

permitting would require additional staff resources or modification of priorities.

- *Standards*

The issuance of a permit would require compliance with certain standards as follows.

- *Number.* The number of relocated and/ reconstructed Billboards shall not exceed the number of Registered Billboards;

Staff Discussion. There are 94 existing billboards in Durham. A Registered Billboard under this proposal would have to have a current NCDOT permit.

- *Size.* No face panel may be larger than the face panel of the billboard being relocated and/or reconstructed;

Staff Discussion. State regulations limits billboards to a maximum area for any one sign of 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, not including embellishments or extended advertising space. However, the maximum size limitation applies to each side of a sign structure. Many existing billboards have multiple faces that presumably could be aggregated to allow one larger face per side, for a total of at least 1,200 square feet per side.

- *Separation.* Unless a billboard replaces a billboard constructed on multiple poles on the same lot, it must be located at least 1,000 feet from another billboard on the same side of the road, at least 200 feet from a residentially zoned or used property on the same side of the road, and at least 500 feet from a local or national historic district;

Staff Discussion. The standards of this section must be carefully considered when determining how this requirement would be implemented. Over 73 percent (69 of 94) of existing billboards would qualify for the multiple pole exemption; only 25 billboards currently are on steel monopoles. A second issue is the definition of same side for billboard spacing: "A Billboard is located on the same side of a road as another Billboard if the Billboard structures are adjacent to the same side of the road and the Billboard faces the same direction of traffic." The multiple pole exemption and the sign orientation distinction in the same side definition would allow many new billboards to avoid the 200, 500, and 1,000 foot separation requirements. State regulations have different spacing requirements, which apply such factors as whether the location is inside or outside of an incorporated area. Under those requirements, billboards may be 500, 300, or 100 feet apart depending on location.

- *Setback.* Relocated and/or reconstructed registered billboards must be set back no less than ten feet from the right-of-way;

Staff Discussion. The State does not specify a right-of-way setback for Billboards.

- *Height.* Relocated and/ reconstructed registered billboards must be consistent with 19A NCAC 02E .0203 (1) (f);

Staff Discussion. 19A NCAC 02E .0203 (1) (f) states "The height of any portion of the sign structure, excluding cutouts or embellishments, as

measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50 feet.”

- *Structural Limitations.* Billboards must be constructed entirely out of steel monopole with either one or two faces. The total number of faces may not exceed the existing number of faces currently owned by a billboard owner. Billboards may be lit.

Staff Discussion. Steel monopoles have a very long life-span, as opposed to many of the current billboard structures. Also, many of the current structures do not have lighting. Section 19A NCAC 02E .0203 does not address the allowable number of faces. It regulates the size and configuration of sides of signs that include faces. Structure and lighting upgrades are prohibited for nonconforming signs under state law.

- *Landscaping or Payment in Lieu.* A new billboard must be landscaped or the owner must make payment in lieu of landscaping into a fund dedicated to gateway beautification.

Staff Discussion. The applicant’s request requires that new billboards be landscaped and maintained or that payment in lieu of the cost of landscaping be made. Regarding landscaping criteria, the applicant’s requirement that a canopy tree be placed at each end of a billboard should be modified if adoption is considered. It would result in trees that partially eclipse a sign or require unattractive pruning to maintain sign visibility. Note that this option would require the City or County to assume responsibility for landscape maintenance, even if some or all costs are covered by the payment-in-lieu. Whether the proposed landscaping would enhance billboard appearance is debatable, but given the payment-in-lieu option, which is less expensive than installation and long-term maintenance, it may not occur in any case.

- *Lighting.* Light emitted from any relocated and/or reconstructed Registered Billboard may not shine directly onto or into a residentially zoned or used parcel. Billboards may be 50 feet high as measured vertically from the adjacent edge of pavement of the main travelled way;

Staff Discussion. The State regulates light in relation to the effect on drivers, not based on zone or use. The applicant’s request requires that lighting be confined to the billboard area, but digital billboards are designed to be the brightest item in a field of vision, and can be visible for long distances at night. Even if digital billboards were deemed acceptable, the proposed language would not adequately protect Durham citizens as discussed below in Section 10, Technical Regulation of Digital Billboards. Also, regulating LED lighting is technically complicated and staff lacks the necessary training and equipment to enforce these provisions.

- *Digital Changeable Copy Billboards.* The standards are below:
 - *Conversion.* An owner may replace 25 percent of its total display area with digital billboards.

Staff Discussion. Conversion is not allowed under state regulations for nonconforming or grandfathered signs. Section 19A NCAC 02E

.0203(4)(a) permits automatic changeable facing signs on the controlled routes for legally conforming signs.

- *Public Service Announcements.* Digital billboards must display one eight-second public service announcement (PSA), a message from a government or non-profit organization or regarded as serving community interests, every 60 seconds, and must display a public emergency message for two hours or until no longer necessary.

Staff Discussion. Sign ordinances must be largely content neutral. If noncommercial speech is required, all non-profits or community groups would be allowed to make announcements, even if their messages are controversial. A lengthier discussion can be found in Section 8, Legal Issues, below.

- *Separation.* Relocated/or reconstructed Registered Billboards utilizing digital changeable copy technology must be located 1,000 feet from another similarly configured billboard on the same side of the road;

Staff Discussion. This subsection does not contain the limiting definition of the “same side of the road” as above. Presumably, sign face orientation would not be a factor in determining separation. 19A NCAC 02E .0203 has the same requirement for legally conforming digital signs.

- *Display Requirements.* The following display requirements apply to any Digital Changeable Copy Billboard;

- *Display Timing.* All images shall be displayed for no less than eight seconds in accordance with 19A NCAC 02E .0203(4)(a)(ii);

Staff Discussion. Meets minimum state requirement for legally conforming signs.

- *Images and Messages.* All images and messages shall be complete in themselves, without continuation in content to the next message or image, or to any other Billboard;

Staff Discussion. Follows the recommendations in the 2009 AASHTO report.

- *Transition Between Images.* All images shall be instantaneous and without special effects and in accordance with the requirements of 19A NCAC 02E .0203(4)(a)(iii);

Staff Discussion. 19A NCAC 02E .0203(4)(a)(iii) states that image changes “must be accomplished within an interval of two seconds or less” for legally conforming signs. The 2009 AASHTO report states images “should transition from one message to the next with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, or animation.”

- *Resembling Official Signs.* Displays cannot resemble warning or danger signs, official traffic control signage, or be configured to cause a viewer to mistake the Billboard for a warning or danger signal.

Staff Discussion. This requirement can be found in other adopted ordinances nationwide.

- *Display Animation.* Displays shall not have animation, movement, scrolling, flashing text or streaming video.

Staff Discussion. 19A NCAC 02E .0203(4)(a)(i) states that legally conforming signs cannot “contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising.”

- *Display Malfunction.* Displays shall be designed and equipped to freeze the device in one position or to immediately discontinue display if a malfunction occurs in accordance with 19A NCAC 02E .0203(4)(a)(vi).

Staff Discussion. 19A NCAC 02E .0203(4)(a)(vii) states that legally conforming signs “must contain a default design that will freeze the sign in one position if a malfunction occurs.” Discontinuing display, as in shutting down completely, would be preferable given the types of malfunctions that have occurred elsewhere, including maintaining day brightness at night.

- *Display Luminosity.* Displays shall not be brighter than 7,500 candela per square meter (cd/m^2) during the daylight hours or 1,000 cd/m^2 during non-daylight hours. No display can interfere with official traffic signs, device or signal or distract drivers and must be equipped with both a dimmer control and a photocell that adjusts the display intensity according to ambient light conditions.

Staff Discussion. Candela per square meter, also shown as cd/m^2 or nits, is a measurement of luminosity or how bright something appears. The brighter an object is compared to its background the easier or clearer it will be to see. Displays with grayscale or full color images require more nits than a single color display. Internet research finds a range of the intensity of daylight from 4,000 to 6,500 nits. The requested maximum is 15 to 88 percent brighter than these daylight figures on a clear day. Correctly adjusting for ambient light conditions will allow drivers to clearly see official signage as recommended in the 2009 AASHTO report. The amount of variance between billboard output and ambient light should be regulated to ensure no interference with official traffic signs, devices or signals and driver safety.

Section 2. Applicant Justification. The applicant provides a “Proposed Text Amendment Justification” that lists five reasons for requesting the proposed changes. Synopses with responses are listed below.

- *Reason 1.* The Durham Comprehensive Plan contemplates and supports the changes under Policy 4.2.3b, which states the UDO should “develop different design standards for attractive nonresidential signage appropriate to each development Tier.” The applicant requests changes in order to upgrade the appearance of billboards in each Tier.

Staff Discussion. The referenced policy is located in Objective 4.2.3, Attractive Nonresidential Development, which states, “[i]ncorporate attractive nonresidential development into the existing community character, ensuring that is made an integral and appealing part of the built environment.” The referenced policy, Policy 4.2.3b, Nonresidential signage, also states, “Signs within the Suburban and Rural Tiers shall be compatible in appearance, while signs in the Downtown, Urban, and Compact Neighborhood Tiers shall be

allowed greater variety and flexibility in their design.” The Comprehensive Plan was adopted in 2005, long after new off-premise signs were prohibited and restrictions placed on the nonconforming signs. This objective and policy clearly apply to on-premise signs in nonresidential developments, which is borne out by current UDO requirements and pending sign ordinance changes for the Downtown Tier. The applicant’s request is not Tier-specific, and in any case, the requested changes would not meet the letter or intent of this objective and policy.

- *Reason 2.* New billboard technology was not contemplated when the current billboard ordinance was enacted. The new digital technology represents a change in circumstances that warrants revisions.

Staff Discussion. It is true that digital sign technology was not available when Durham’s sign ordinance was enacted and is, in fact, included for on-premise signs. However, digital sign technology did exist when the UDO was adopted. New technology or changed circumstances do not necessarily warrant UDO revisions. The current ordinance works very well and is protective of public safety and aesthetics, and the advent of new technology and associated requests only means that diligent efforts are required to safeguard it.

- *Reason 3.* The Durham Comprehensive Plan supports using digital billboards for emergency management under Policy Goal 12.4, which states that Durham should “[p]rovide an effective program of emergency management to maintain a safe environment for Durham’s citizens,” and Objective 12.4.1, which states that Durham should “[e]stablish and maintain an appropriate level of emergency management in Durham.” Also, Comprehensive Plan Summary of Issues item number 1 states that “[n]ew technology can improve the effectiveness of staff [emergency] resources...”

Staff Discussion. As recommended by the Durham Comprehensive Plan, Durham has an emergency management plan and systems that utilize the latest technology. As discussed above in Background, Section 4, Public Safety, even communities that have successfully used digital billboards for emergency messages now realize that such benefits need to be weighed carefully against the overall risk to public safety. Durham has official NCDOT signs that broadcast emergency messages and are regulated under the MUTCD to protect the public.

- *Reason 4.* Changes in state law present conflicts with the UDO sign ordinance, which the proposed changes would resolve.

Staff Discussion. The applicant cites two North Carolina Supreme Court cases for its proposition, Lamar OCI South Corporation v. Stanly County Zoning Board of Adjustment (N.C. 2008), and Morris Communications, d/b/a Fairway Outdoor Advertising v. the Board of Adjustment for the City of Gastonia (N.C. 2004). Under those cases, state law would indeed trump contradictory UDO provisions. Lamar says that a nonconforming billboard can be relocated back on the same Sign Location/Site, as long as it does not move more than 1/100th of a mile parallel to the highway. (Lamar also says that a billboard that is nonconforming under local law is nonconforming under state law.) Morris says that sign structures are part of the nonconforming sign

that may be maintained. However, both cases hold that state regulation does not preempt local regulation of outdoor advertising in general, and a new case, *Morris Communication Corporation d/b/a Fairway Outdoor Advertising v. City of Bessemer Zoning Board of Adjustment*, N.C. Court of Appeals, March 2, 2010, muddies the waters. It holds that relocation of a nonconforming billboard on the same property due to highway construction as approved by NCDOT is prohibited where the local government requires a sign permit for relocation and the original sign permit had expired. Whether specific UDO provisions do contradict state law is clearly uncertain. If they do, however, the UDO severability clause at Sec. 1.9, Severability, will likely protect the sign ordinance as a whole. Any changes to the existing ordinance to conform to state law would be minor and could be and have been made through a simple technical changes amendment. They would not require wholesale revision of the sign ordinance.

- *Reason 5.* The requested changes will aid Durham's local economy and generate increased tax revenues from Durham's billboards.

Staff Discussion. The applicant's request presents no information indicating how the requested changes will aid Durham's economy. Presumably, however, more local businesses could advertise on the digital signs, which could help them generate business. Conversely it could be argued that more out-of-town businesses could also advertise, drawing customers to other Triangle locations. The LED components could be manufactured by Cree, which has facilities in Durham, Morrisville, and Research Triangle Park. The Planning Department could charge permit and possibly registration fees. Fairway is based in Georgia with an office in Raleigh. It appears unlikely that the applicant will open an office in Durham or employ Durham citizens. Digital signs would not require on-site message changes and the Raleigh staff would presumably continue to manage the rest.

Billboards are taxed as personal property. According to County tax records, Fairway and its associated entities paid \$2,605.60 in 2008. Although 22 of Fairway's billboards are steel monopole, the average taxable value per sign was \$5,107. Fairway and associated entities paid \$4,266.77 in 2009. The average taxable value per sign was \$7,726. Even assuming that digital billboards are 20 times as valuable as standard steel monopole billboards, and that one quarter of the existing billboards would be digital and the rest steel monopole, it appears that the total tax payment from all billboard companies would be well under \$60,000 per year.

Section 3. Aesthetics. Aesthetics is, of course, in the eye of the beholder. Citizens within communities can differ and communities overall have different aesthetic values and appearances. Triangle communities—Raleigh, Cary, Chapel Hill, and Morrisville—have tight sign regulations similar to Durham's current ordinance. Cities like Greensboro, Asheville, and Wilmington have more permissive sign regulations. Based on information received it appears that some people in Durham enjoy billboards but most believe they are unattractive and contribute to visual clutter. The

recent survey commissioned by the Durham Convention and Visitors Bureau indicates that citizens overwhelming support maintaining the current sign ordinance.

The aesthetics of digital billboards add a new element to the analysis. Again, some people appear to enjoy them; an Arbitron survey commissioned by the Outdoor Advertising Association of America found that a majority of digital billboard viewers in Cleveland found the signs to be attractive and helpful to the community. However, local citizen comments, independent local survey results, and nationwide reports indicate that many more people find them problematic. They are designed to be the brightest item in a field of vision, often visible for great distances. They can disturb citizens living nearby and generally obscure or distract from the natural and built environments. Natural, green vistas, even if merely buffers, attract and retain business and residents.

Section 4: Economic Development. Billboards are touted for their positive effect on economic development; but, the actual effect is mixed. Billboards can be used to draw visitors to local services and attractions. However, they can also draw visitors to services and attractions in another community. Billboards generate taxes for local governments and pay fees to land owners to allow the billboards on their properties. The tax generated by billboards is minimal because they are taxed as personal property and only a few land owners benefit from leases. The construction and maintenance of billboards provide jobs; however, the numbers of jobs are limited locally, concentrated mainly in LED production. The effect of billboards on recruitment of new businesses and industries is debated but Durham determined in the 1980s that sign clutter has a negative effect on such efforts. No substantial positive effect has been identified for Durham's economic development.

Section 5. Public Safety. The amount of distraction of drivers caused by off-premise signs has been debated throughout America. The impact on public safety presented by digital billboards, and digital signs generally is a hot button regulatory issue. Numerous studies in the U.S. have been conducted on driver distraction of various types, by entities including the Federal Highway Administration, the National Highway Traffic Safety Administration, the University of North Carolina Highway Safety Research Center, local governments, and insurance companies. The data from those studies indicates that digital billboards do indeed pose a safety risk to drivers due to their inherent distracting qualities. Courts have agreed. The 1st U.S. Circuit Court of Appeals in 2008 in *Naser Jewelers, Inc. v. City of Concord, NH*, stated "It is a given that a billboard can constitute a traffic hazard. It follows that EMCs [Electronic Message Centers], which provide more visual stimuli than traditional signs, logically will be more distracting and more hazardous."

Section 6. Environmental Protection/Sustainability. This proposal seeks to allow the upgrading and relocation of billboards in Durham. Either activity will have an impact on the environment. The high energy use of digital billboards raises concern about sustainability, carbon footprint and air quality. The Durham County Greenhouse Gas Emissions Inventory and Local Action Plan calls for a 30%

reduction in greenhouse gas emissions by 2030. Digital billboards would increase rather than reduce Durham's emissions.

Tree removal around billboards is a significant issue. Payment-in-lieu would do nothing to enhance this situation. NCAPA states "Natural, green vistas are what attract and retain businesses in our State; current standards help to protect this asset, while the proposed changes would accelerate its deterioration."

Section 7. Effect on Other Sign Ordinances. As discussed in Section 8, Legal Issues, any change to one area of a sign ordinance can lead to similar changes in other areas. If digital billboards are allowed, the public safety and aesthetics justifications for prohibiting digital on-premise signs and digital portable signs could be compromised or eliminated.

The 2009 AASHTO report states, "The potential impact from these latest technologies goes far beyond a simple replacement of traditional, static billboards. On-premise advertising signs, traditionally given much more freedom by FHWA and local authorities, are increasingly using the same LED technology now appearing on billboards." The report goes on to explain:

...[t]he growing use of LED technology for advertising in on-premise applications is of concern because such signs may be larger than traditional billboards, closer to the right-of-way and to roadway sections with high task demands, and may include animation and full motion video. At least one State is considering the use of its official changeable message sign network for the display of digital advertising. And an unknown number of private or toll-road operators are also contemplating the sale of advertising within their rights-of-way. In addition, we are seeing the deployment of LED displays, often featuring video, on vehicles moving in the traffic stream. Vehicles as diverse as small trucks and vans, public transit buses, and large, over-the-road trailers, are now being outfitted with LED advertising, and the potential for driver distraction grows with each such installation. Our review suggests that, with few exceptions, government agencies have no regulations or guidelines in place to address these new uses.

The report also describes personalized and interactive billboards, discussed further in Section 10, Technical Regulation of Digital Billboards, and the pressures being brought to bear on the FHWA to change the MUTCD to allow advertising on official signs. Durham can expect increasing pressure to allow digital on-premise signs as shopping centers, automobile dealers, realtors and other business owners find that the signs are affordable and unprecedented in their attention-getting power.

Section 8. Legal Issues. The law is clear that billboards can be regulated more strictly than other signs, and even banned entirely. Nonetheless, sign regulation is legally challenging. Litigation often results from unclear regulations or changes in

sign ordinances. The billboard industry is responsible for many lawsuits against local governments, and many communities are currently involved in sign litigation. Most of the litigation involves digital technology, with some communities trying to require removal of signs that were built under ordinances that did not clearly disallow them. Durham's ordinance is, however, clear in that regard. Since it has already been upheld, it is unlikely that the billboard provisions of Durham's current ordinance will be subject to further challenge.

The applicant's request raises legal concerns in a number of areas. The first is the allowance of billboards in zoning districts other than commercial or industrial districts. The Highway Beautification Act and North Carolina law limit new billboards to locations in those two districts, as interpreted by NCDOT. Also, case law indicates localities cannot zone areas solely to allow for billboard use. It appears that the applicant's proposal contravenes federal and state law.

A second concern is how to allocate billboards between or among companies if new locations are being requested. Given the 1,000-foot separation requirement, multiple companies could request locations that are within a 1,000 feet of each other. No mechanism to choose is included in the amendment.

A third concern is the requirement to run public service announcements (PSAs) that include noncommercial advertising. The proposed amendment requires each digital billboard to display one eight-second PSA per minute. It describes PSAs as announcements for which no charge is made and which promote the programs, activities or services of governments or non-profit organizations, and announcements regarded as serving community interests. The legal concern is that sign regulations must be "content neutral" and in particular, they cannot favor some noncommercial messages over others. Announcements or activities from nonprofit groups may be controversial in nature. It appears that since the noncommercial advertising would be a legal requirement imposed by government, then government would need to require that all requesters be allowed digital time without regard to the message they wish to display. Profane or obscene messages could likely be excluded but it is not clear what else could be excluded without violating the constitutional mandate of content neutral government regulation. The legally safest alternative is to not require that PSAs be run.

In contrast, what occurs under the current ordinance works well, without government entanglement in this messy area. The current ordinance does not require that noncommercial content appear on billboards, but sign companies nonetheless offer space to noncommercial organizations. In fact, both noncommercial and commercial advertisers arguably receive better exposure under the current ordinance where their messages appear continuously than they would under a digital format where their exposure is eight seconds per appearance. PSA placement could also be problematic—a Crimestoppers ad could be followed by six ads for alcohol and gun shows. Many viewers will see more than one ad, as they try to watch them change (the Ziegarnik effect).

A final legal concern is how the governing bodies can rationally justify allowing digital billboards without allowing the same digital technology for on-premise signs. It is difficult to argue that digital signs should be allowed off-premise and not allowed on-premise, especially since the courts have historically allowed on-premise signs to be treated more favorably than off-premise signs. The proliferation of digital billboards on major highways might necessarily lead to the proliferation of digital signs on local streets.

Section 9. Financial Impact/Staffing. The requested text amendment would create an unfunded initiative by imposing a significant new regulatory and enforcement burden upon the City and County, presumably through the City-County Planning Department and possibly other departments. New structures and processes would need to be implemented for the following:

- Registration by the City or County of all Durham billboards within 90 days of ordinance adoption, including assessment of state permit compliance for each;
- Assessment by the Planning Department of each permit application, including locational, structural, technical, and landscape elements, as well as any new state permit compliance;
- Landscape inspection by the Planning Department within 90 days after permit issuance;
- Review by the City or County of petitions for payment in lieu of landscaping and establishment and maintenance of a payment in lieu program, assuming statutory authority exists, and a gateway beautification program;
- Enforcement by the Planning Department after permit issuance, including enforcement of digital standards requiring training, expensive equipment, and consistent monitoring; and
- Creation by the City Police Department and the County Sheriff's Department of a digital billboard emergency protocol and ongoing staffing as needed to ensure its implementation.

In addition, the Planning Department would need to bring forward proposed registration and permit fees and a proposed zoning map change to implement the billboard overlay district. Registration and permit fees could offset certain permitting costs, but would not help with costs associated with other implementation or enforcement.

The City-County Inspections Department currently issues sign permits, and has raised a number of concerns about the requested text amendment. The concerns relate to:

- Division of labor between departments;
- Resource demands and record-keeping;
- The overlay district definition;
- NCDOT permit verification;
- Information requirements for permitting;
- Clarification of legal responsibilities of sign owner and property owner;
- Survey and lighting survey requirements;
- Reference to state regulation instead of specifying height;

- The rationale for exceptions for signs with multiple poles;
- Creation and administration of a fund dedicated to gateway beautification;
- Challenges in enforcement of lighting requirements;
- The fact that sign companies do not typically handle landscaping;
- Verification of all technical code requirements; and
- Logistics and enforcement, generally.

Given the budget cuts of FY 2009-2010 and FY 2010-2011 and resulting reduced staffing levels, the Planning Department and possibly others could not perform the additional functions without additional staff resources and/or significant adjustments to ongoing and prioritized items in work programs.

Section 10. Technical Regulation of Digital Billboards. If Durham decides to change the billboard ordinance to allow digital signs, technical standards must be carefully drafted. The standards contained in the requested text amendment are inadequate to protect Durham citizens and other drivers along its roadways. All relevant departments and probably an outside consultant should be involved.

Recognizing that state and local governments are struggling with pressures to issue digital billboard permits, and with threats of litigation should such permits be denied or revoked, AASHTO issued its 2009 report to provide some guidance. Entitled “Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs,” the report was prepared by Jerry Wachtel of the Veridien Group. It analyzes the safety and regulation information currently available and recommends standards or, in many cases, methods of achieving standards, using the best existing information. The FHWA digital billboard safety study currently underway is expected to provide a more comprehensive understanding of the safety implications of digital signs that may lead to guidance or regulation at the federal level.

The report recommends site-specific regulation of the following factors:

- *Minimum Display Duration.* Sight distance to the digital billboard (ft)/Speed limit (ft/sec) = Min. display duration (sec).
- *Amount and Type of Information Displayed.* Upper limits on the amount of information displayed should differ depending upon sight distance, speed limits or prevailing speeds, and driver task demands imposed by the design and operation of the roadway. Telephone numbers, internet addresses, text message instructions, etc. are public safety hazards, and evidence has been shown of traffic slowing, even for AMBER Alert messages on official signs, despite their conformance with MUTCD standards.
- *Information Presentation.* Message design, including text size, image placement, etc. should facilitate speed and ease of reading, and rapid, unambiguous message interpretation, to achieve lower levels of driver attentional demand and distraction. The MUTCD standards result from years of development and constant refinement by human factor and traffic safety experts and the report suggests looking to those and information already available from the outdoor advertising industry.

- *Digital Billboard Size.* The larger the billboard, the larger the images, the brighter it can appear to be, and the greater the distance from which it can be viewed. Digital billboards therefore need to be assessed differently than standard billboards.
- *Brightness, Luminance, and Illuminance.* The applicant requests maximum luminance levels that are much higher than the levels the report presents as accepted by both industry and regulators. Levels should be set following on-site assessment with specific measurement methods, and take into account environmental and other relevant factors. The methodology is described in the report.
- *Display Luminance in the Event of Failure.* Brightness should be reduced to a level independently determined to be the acceptable maximum under normal operation taking into account time of day and weather variables in the event of malfunction. Otherwise, the billboard should shut down. A billboard on the San Francisco-Oakland Bay Bridge in 2007 malfunctioned by maintaining day brightness at night and was not shut down, creating a serious safety hazard for drivers and generating complaints due to its visibility all over the Bay area.
- *Longitudinal Spacing between Digital Billboards.* A set number is not adequate. Factors that need to be assessed include prevailing travel speeds, sight distance, topography, and driver field of vision generally.
- *Digital Billboard Placement with Relation to Traffic Control Devices and Driver Decision and Action Points.* Different cognitive demands are placed on drivers at different locations. The design and placement of traffic control devices themselves is the result of empirical research into those demands that led to nationwide standards. Billboards should be assessed for their effects as well to promote traffic safety.

If on-site determinations are not viable, then stringent standards should be set to ensure safety in all situations.

The report recommends prohibiting the following, which the applicant's request does in fact prohibit:

- Interval Between Successive Displays;
- Visual Effects Between Successive Displays; and
- Message Sequencing (a sequence of two or more signs with related messages).

The report also briefly addresses regulation of on-premise digital signs, digital signs in public rights-of-way, digital signs on moving vehicles, and new digital billboard technologies. New billboard technologies currently used elsewhere that will likely require regulation include the following:

- *Billboard Audio and Other Stimuli.* A digital billboard broadcasts audio or other sensory stimuli like smells. These billboards exist in the U.S. and have been prohibited in Tucson, Arizona, for instance.
- *Personalized and Interactive Billboards.* These signs include billboards that convey a personal greeting to the driver, billboards that interact with the driver in real time, and billboards that unobtrusively obtain information from drivers and vehicles. Personal greetings are used by Mini Cooper, which has billboards that

recognize and convey a personal message to the vehicle of a driver who “opts in.” Billboards that interact with drivers exist in Europe. Billboards call the cell phones of drivers who “opt in” with special promotions in a recent French trial. Billboards in Belgium text back and forth with drivers, who answer questions to get placed into a drawing. Billboards that obtain information, or “smart signs,” include a billboard in California that monitors car radio information and tailors its advertising to the appropriate demographics. A recent patent claims to be able to capture images of driver eye movements as they approach the billboard. North Carolina is now home to the first “smell” generating billboard.

Section 11. Policy Regulation of Digital Billboards. If Durham decides to change the billboard ordinance to allow digital signs, provisions should be included to ensure some benefit and protection for the citizens of Durham. There are numerous options including the following.

- *Tradeoffs.* Under this mechanism, a billboard company must remove a specific number of existing nonconforming billboards for each new digital billboard it erects. Asheville requires at least a three to one tradeoff, so that each new digital billboard requires removal of existing nonconforming billboards equaling at least three times the area of the new sign. The tradeoff number should ideally reflect the increased revenue generated by digital signs, which typically generate 7-14 times the revenue of standard billboards.
- *Specific Locations.* Under this mechanism, a local government requires removal of specific existing nonconforming billboards in exchange for new digital billboards. This mechanism can be used to clean up high-visibility areas. Wilmington’s ordinance is structured to clean up gateways and two other specific areas. San Antonio, TX used this mechanism to clean up its downtown historic district. Staff recommend cleaning up Durham gateways if ordinance adoption is considered.
- *Sunset Provisions.* Permit time limits can be imposed. For example, the City of Oakdale, Minnesota, issues annual billboard permits. This approach is suggested by the 2009 AASHTO Report. It allows a local government to decline to renew if the billboard proves problematic due to accidents caused, frequent malfunctions, use of new, undesirable technologies, traffic delays, need for road widening, citizen dissatisfaction, or other reasons. A clear limitation on the number of years authorized under a permit would allow government to avoid paying huge sums to remove billboards.
- *Financial Assistance.* Enforcement of digital billboard regulations requires sophisticated, expensive instrumentation. The applicant should purchase the equipment that the City and County, or their consultant, deem necessary for enforcement.
- *Carbon Neutral.* To meet the goals set out in the Durham County Greenhouse Gas Emissions Inventory and Local Action Plan adopted by both the City Council and County Board of Commissioners in 2007, any changes to the current sign ordinance should mandate that digital signs be at least carbon neutral, either through direct use of renewable energy or the purchase of renewable energy generated in North Carolina.

- *Revenue Sharing.* The Planning Commission discussed the possibility of sharing in the revenues generated by digital billboards, as other local governments have done. While an attractive concept, staff would not recommend pursuing this option because it can create conflicts with adequate enforcement in the interest of public safety as has occurred elsewhere.
- *Income Method.* Cities have switched to income method of tax assessment because the billboard industry could not exist without public investment in roads. Milwaukee expects up to 1,000 percent increases in billboard tax revenues based on its 2009 change. The income method of tax assessment for billboards would require a change in North Carolina law.

Alternatives

The County Commissioners may adopt the proposal, modify the proposed text amendment, or adopt an alternate proposal.

Contact

T.E. Austin, AICP, Planning Supervisor, 560-4137 x28237,
 TE.Austin@durhamnc.gov or Julia Mullen, Planner, 560-4137, x28255,
 Julia.Mullen@durhamnc.gov

Attachments

Attachment 1, An Ordinance To Amend Provisions Of The Unified Development
 Ordinance Regulating Nonconforming Off-Premise Signs
 Attachment 2, Map, Fairway Nonconforming Off-Premise Signs Request
 Attachment 3, Peer Cities for Benchmarking
 Attachment 4, List of Sources
 Attachment 5, Planning Commission Written Comments, April 13, 2010



UDO Text Amendment



Tracking Information (Staff Only)

Case Number:	Date: 11/06/09	Article: 11 Sign Standards
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Applicant

Name: Fairway Outdoor Advertising	Telephone: 919-466-1190
Address: c/o K&L Gates Attn: Lewis Cheek	Fax: 919-516-2078
City/State/ZIP: PO Box 14210 RTP, NC 27709	Email: lewis.cheek@klgates.com

Signature/Date By:

Lewis A. Cheek

Requested Change

Describe what you want to change in the ordinance and why:

See attached text amendment proposal and justification.

Fees (Staff Only)

Date:	Staff:	Account: Account:	Fee:
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AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE REGULATING NONCONFORMING OFF-PREMISE SIGNS (TC09-_____)

WHEREAS, the Durham City Council (Durham Board of County Commissioners) is charged with the responsibility of enacting ordinances and laws which promote the health, safety and welfare of the general public; and

WHEREAS, the Unified Development Ordinance presently prohibits alteration of existing off-premise signs as defined in Section 11.2.8.B.2 of the Unified Development Ordinance (hereinafter, "Billboards"), prohibits construction of new Billboards, and prohibits the relocation and/or reconstruction of Billboards; and

WHEREAS, it has come to the attention of the City Council (Board of County Commissioners) that other jurisdictions have allowed the use of digital changeable copy technology in conjunction with the posting of public service messages concerning crime, emergency alerts, severe weather alerts, traffic hazards and other matters of public interest; and

WHEREAS, it has also come to the attention of the City Council (Board of County Commissioners) that the billboard industry desires to improve and landscape certain Billboards in conjunction with the privilege of relocating and/or reconstructing such Billboards; and

WHEREAS, agreements between the City (County) and members of the billboard industry to accomplish the relocation and/or reconstruction of Billboards are permitted under N.C.G.S. § 160A-199 and N.C.G.S. § 153A-143; and

WHEREAS, it appears to the City Council (Board of County Commissioners) that the posting of public service messages and improving and landscaping Billboards benefits the general public and promotes the health, safety and welfare of the community;

NOW, THEREFORE, be it ordained that Article 11, Sign Standards, is amended to delete section 11.2.8B, to delete the second paragraph of section 11.3.5, and to insert the following as a new section, 11.2.9, to include the following provisions:

Section 1. Creation of Billboard Overlay District. The Billboard Overlay District shall be composed of the area 100 feet from the edge of the right of way along the following highways: NC 147 (from the northern boundary of Research Triangle Park to I-85); US 70 (from I-85 interchange to the Durham-Wake County line); US 15-501 (from the Durham-Orange County line to I-85); US 501 (from the I-85 interchange north to the Durham-Person County line); I-85 (the area outside of the Major Transportation Corridor overlay); and the proposed multi-lane facility between US 70 and NC 147 (STIP Project Number U-0071).

Section 2. Mandatory Billboard Registration. Within ninety (90) days of the effective date of this Ordinance, owners of Billboards located within the City's (County's) planning jurisdiction shall register such Billboards with the City (County) and upon registration, such Billboards shall

be designated as "Registered Billboards." No Billboard may be registered unless such Billboard has an existing valid permit from the North Carolina Department of Transportation on the date of registration.

Section 3. Removal, Relocation and Reconstruction of Registered Billboards. Registered Billboards may be removed and relocated, removed, reconstructed and relocated, or removed and reconstructed, within the Billboard Overlay District. Relocation must be to a non-residentially zoned lot within the Billboard Overlay District. No Registered Billboard may be relocated or reconstructed without the owner having first obtained a permit from the City (County), which permit shall constitute the relocation or reconstruction agreement authorized by NCGS § 160A-199 or N.C.G.S. § 153A-143 as to the Registered Billboard identified in the permit. Any Billboard that has not been properly registered shall not be eligible for relocation and/or reconstruction if it is removed.

Section 4. Issuance of Permit for removal/relocation/reconstruction of Registered Billboard. The Planning Department shall issue a permit for the relocation and/or reconstruction of a Registered Billboard, provided that the Registered Billboard shall meet the following standards:

- A. Number. The total number of relocated and/or reconstructed Billboards shall not exceed the number of Billboards that are authorized as Registered Billboards pursuant to this Article.
- B. Size. No relocated and/or reconstructed Registered Billboard shall exhibit a face panel size greater than the size of the face panel of the Billboard prior to its being relocated and/or reconstructed.
- C. Separation. A relocated and/or reconstructed Registered Billboard shall meet the following separation requirements:
 - i. A minimum of **one thousand (1,000) linear feet** between Registered Billboards on the same side of the road, unless the relocated and/or reconstructed Registered Billboard replaces a Billboard on the same lot that is constructed on multiple poles. A Billboard is located on the same side of a road as another Billboard if the Billboard structures are adjacent to the same side of the road and the Billboard faces are oriented to the same direction of traffic.
 - ii. A minimum of **five hundred (500) linear feet** from any locally or nationally designated historic district, unless the relocated and/or reconstructed Registered Billboard replaces a Billboard on the same lot that is constructed on multiple poles.
 - iii. A minimum of **two hundred (200) linear feet** from any residentially zoned or used property on the same side of the road, unless the relocated and/or reconstructed Registered Billboard replaces a Billboard on the same lot that is constructed on multiple poles.

- D. Setback. A relocated and/or reconstructed Registered Billboard shall be set back no less than ten (10) feet from the edge of the right of way to the center pole of the Registered Billboard.
- E. Height. The height of a relocated and/or reconstructed Registered Billboard shall be consistent with the requirements of 19A NCAC 2E.0203(1)(f).
- F. Structural Limitations. A relocated and/or reconstructed Registered Billboard shall be constructed entirely out of steel, and supported by a steel monopole. A relocated and/or reconstructed Registered Billboard may have either one or two faces. However, the total number of faces on such Registered Billboards may not exceed the existing number of faces currently owned by a Billboard owner.
- G. Landscaping. In order to provide for aesthetic enhancements consistent with the purposes of the Unified Development Ordinance, every relocated and/or reconstructed Registered Billboard must be landscaped within ninety (90) days of completing a permitted relocation and/or reconstruction, pursuant to the following conditions:
 - i. There shall be a defined landscaped area at the base of the Registered Billboard, and parallel to each face of the Registered Billboard, consisting of at least seventy-five percent (75%) of the total advertising surface area of the Registered Billboard.
 - ii. The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area within five (5) years or at maturity, whichever is sooner. A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be submitted to the City (County) for approval prior to relocation and/or reconstruction of a Registered Billboard.
 - iii. At least 25% of the total landscaping material shall reach a maintainable height, at maturity, of no less than 75% of the distance between the bottom of the Registered Billboard and the ground immediately below.
 - iv. Immediately adjacent to each end of the Registered Billboard, there shall be placed a canopy tree with minimum size at installation of 2.5 inch caliper.
 - v. The Registered Billboard owner shall be required to maintain all required landscaping for the duration of the existence of the Registered Billboard.
 - vi. Notwithstanding the foregoing, in the event that the owner of a Registered Billboard believes that compliance with the foregoing landscaping requirements is impractical, such owner may petition the City (County) in writing, in which case the City (County) shall consider such petition

within thirty (30) days and if the City (County) agrees, then owner shall be relieved from its obligation to satisfy the foregoing landscaping requirements and shall, instead, be required to deposit into a County or City fund dedicated to the beautification of gateways into Durham, an amount equal to the reasonable cost of complying with the above landscaping standards. A Registered Billboard owner shall provide with the petition a statement of the reasonable cost for such landscaping signed by a duly-licensed Registered Landscape Architect.

- H. Lighting. Light emitted from any relocated and/or reconstructed Registered Billboard shall be confined to the Billboard area and in no case shall light emitted from a relocated and/or reconstructed Registered Billboard be allowed to shine directly onto or into a residentially zoned or used parcel.

Section 5. Digital Changeable Copy Billboards.

- A. Notwithstanding the foregoing, and subject to the terms of this Ordinance, upon the issuance of a permit as specified in this Article, an owner of a Registered Billboard may either replace face panels on such Registered Billboard with digital changeable copy technology or install digital changeable copy technology (hereinafter, "Digital Changeable Copy Billboards") in connection with the relocation and/or reconstruction of a Registered Billboard, subject to the following conditions:
- i. An owner of Registered Billboards may not replace more than twenty-five percent (25%) of the total display area of its Registered Billboards (measured in square footage) with digital changeable copy technology;
 - ii. Digital Changeable Copy Billboards shall display one eight-second public service announcement within every sixty (60) second period. For purposes of this section, a public service announcement shall be any announcement for which no charge is made and which promotes programs, activities or services of federal, state, or local governments or the programs, activities or services of non-profit organizations, and announcements regarded as serving community interests, excluding time signals and routine weather announcements;
 - iii. Digital Changeable Copy Billboards shall display continuously a public emergency message for two hours or until such time as the public emergency message is no longer reasonably necessary, whichever is shorter. For purposes of this section, a public emergency message shall be Amber Alert and Silver Alert emergency information, information about terrorist attacks, natural disasters, public infrastructure failures and public safety emergencies. Owners of Digital Changeable Copy Billboards shall adopt a protocol with the City of Durham Police Department (Durham County Sheriff's Department) for display of such public emergency messages;

- iv. Any relocated and/or reconstructed Registered Billboard utilizing digital changeable copy technology shall not be located within one thousand (1,000) feet on the same side of the road from any other relocated and/or reconstructed Registered Billboard with digital changeable copy technology; and
- v. Any Digital Changeable Copy Billboard shall meet the following display requirements:
 - (1) All images shall be displayed for not less than eight (8) seconds, in accordance with 19E NCAC .0203(4)(a)(ii).
 - (2) The images and messages displayed shall be complete in themselves, without continuation in content to the next message or image, or to any other Billboard.
 - (3) The transition between images shall be instantaneous and without special effects, and in accordance with the requirements of 19A NCAC .0203(4)(a)(iii).
 - (4) The display shall not be configured to resemble a warning or danger signal, official signage used to control traffic, or configured to cause a viewer to mistake the Billboard for a warning or danger signal.
 - (5) No electronic animation, movement, scrolling, flashing text, or streaming video shall be permitted.
 - (6) All Digital Changeable Copy Billboards shall be designed and equipped to freeze the device in one position or to immediately discontinue the display if a malfunction occurs in accordance with 19A NCAC 2E.0203(4)(a)(vi).
 - (7) No Digital Changeable Copy Billboard may be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of seven thousand five hundred (7,500) candela per square meter (cd/m^2) during daylight hours and one thousand (1,000) cd/m^2 during non-daylight hours. No Digital Changeable Copy Billboard shall display such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal or is distracting to drivers. All Digital Changeable Copy Billboards shall be equipped with both a dimmer control and a photocell that automatically adjust the intensity of the display according to natural ambient light conditions.

Section 6. That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article 15.

Proposed Text Amendment Justification

Text Amendment to allow improvement and limited relocation of existing billboards

There are four primary reasons why the applicant asks for a change in the appropriate sections of the Durham Unified Development Ordinance (the "UDO") applicable to billboards.

First, the Durham Comprehensive Plan (the "Comp Plan") contemplates and supports it. Policy 4.2.3b. states that through the UDO, "develop different design standards for attractive nonresidential signage appropriate to each development Tier." The applicant requests this text amendment in order to upgrade the appearance of billboards in each Tier throughout Durham County. In terms of the number of billboards, under the proposed text amendment, there will be no additional billboards allowed above the number currently existing with valid NCDOT permits.

Second, new digital billboard technology was not contemplated over 25 years ago, when the existing Durham billboard rules were enacted. This new digital technology represents a change in circumstances that warrants a revision to Article 11 of the UDO.

Third, and closely related to the advent of new digital billboard technology, the Comp Plan recognizes the need to provide Durham citizens with public service and public safety announcements. Comp Plan Goal 12.4 states that Durham should "(p)rovide an effective program of emergency management to maintain a safe environment for Durham's citizens." In addition, Comp Plan Objective 12.4.1 states that Durham should "(e)stablish and maintain an appropriate level of emergency management in Durham." Under summary of issues, the Comp Plan states in item #1 that "(n)ew technology can improve the effectiveness of staff [emergency] resources ..." Durham has the opportunity to authorize digital billboards and utilize a digital billboard network in emergency situations. One of the benefits of such a digital network is to allow emergency, public service and public safety messages to be changed and displayed in real-time, depending upon current and changing conditions.





Fourth, there have been changes in state law that present conflicts with Article 11 of the UDO. For example, the N.C. Supreme Court's decision in LAMAR v. Stanley County, decided in December 2008, held that NCDOT regulations that allow for limited relocation of billboards trump a local zoning ordinance providing that nonconforming outdoor advertising signs shall not be moved or replaced, similar to provisions in Article 11 of the UDO. Another N.C. Supreme Court case, Morris Communications v. The Board of Adjustment for the City of Gastonia, stated that a local zoning ordinance is preempted by the NCDOT's regulations governing outdoor advertising to the extent the local ordinance conflicts with NCDOT's regulations. NCDOT's regulations provide that the damage threshold to require removal of a nonconforming billboard is 50% (19A NCAC 2E.0225(f)). In contrast, the prior Durham Zoning Ordinance, in Section 12.9.4 (2), required removal of a billboard if 25% of the value of it were damaged. This 25% standard was maintained in the UDO, even though the UDO was adopted on Jan. 1, 2006, more than two years after the Morris decision. Accordingly, it appears that sections of Article 11 of the UDO conflict with specific NCDOT regulations. The applicant's proposed text amendment would resolve those conflicts.

In conclusion, the applicant's proposed text amendment also will aid Durham's local economy and generate increased tax revenues from Durham's billboards.





ATTACHMENT 2

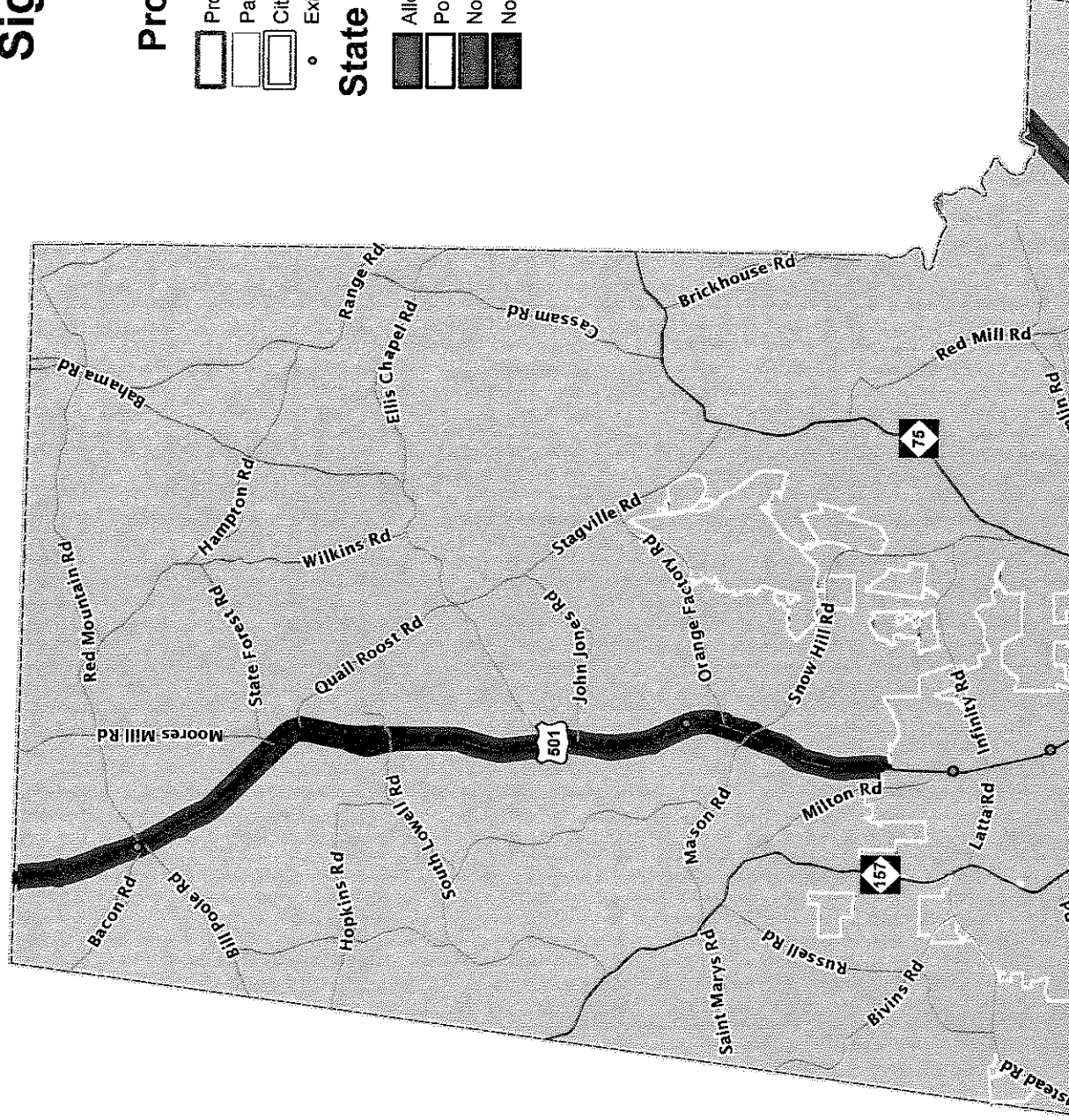
Fairway Nonconforming Off-Premise Signs Request (County Only)

Proposed Overlay

-  Proposed Billboard Overlay District
-  Parcels
-  City Limits
-  Existing Billboards

State Billboards Status

-  Allowed (CN, CG, CC, IL, I, IP)
-  Possibly Allowed (MU, UC, DD-C/S1/S2)
-  Not Allowed (OI, All Residential)
-  Not Allowed due to Scenic Byway status



ATTACHMENT 3

Peer Cities for Benchmarking

Where billboards and/or digital billboards are allowed, zone limitations and specific standards vary significantly. Information was obtained or verified via telephone or e-mail because many ordinances require interpretation or do not address digital signage at all.

City	Allows New Standard Billboards (types of zones in which allowed)	Allows New Digital Billboards (same zones as standard)	Allows Upgrading or Relocation of Nonconforming Billboards
Durham, NC	No	No	No
Augusta, GA	Yes Business/Industrial except in specified areas	Yes	No
Baton Rouge, LA	Yes Commercial/Industrial/Adult Business	Yes	No
Greensboro, NC	Yes Highway Business, Light Industrial and Heavy Industrial except in specified areas	Yes	No
Little Rock, AR	Yes If no increase in total number of billboards Commercial/Industrial	Yes, if no increase in total number of billboards 3-4 signs currently	No
Montgomery, AL	Yes Business/Commercial/Industrial	Yes Not addressed in ordinance Plan to update ordinance soon	No
Norfolk, VA	Yes Commercial/Industrial by Special Exception	No	No
Raleigh, NC	Yes Industrial except in specified areas, stringent size restrictions	No, Can change only 4 times per day	No
Richmond, VA	Yes Business/Industrial	Yes Not addressed in ordinance 1 sign currently	No
Shreveport, LA	Yes Business/Industrial	Yes	No
Winston-Salem, NC	Yes Business/Industrial except specified areas including view corridors	Yes	No

Attachment 4

List of Sources

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Planning Commission Written Comments April 13, 2010

Non-conforming Off Premise Signs (TC1000002)

Mr. Brine. I voted to recommend denial of this proposed text amendment. I think that Durham has very little to gain and a considerable amount to lose by adoption of this text amendment. Some specific points:

A) Durham has previously invested considerable time and money to get to where it is today in terms of its off-premise sign regulations. Reversing course by legalizing the few billboards that remain is a step backwards.

B) If Durham loosens its restrictions on nonconforming off-premise signs, there will then be considerable pressure to loosen restrictions on on-premise signs. This could lead to visual clutter all over Durham.

C) My own observations from trips down the I-85 corridor is that there are more and more vacant billboards. While the economy may be partially responsible, I think that advertising is changing as well. It is being more and more oriented toward the wireless internet, smart phones, e-mail, and various social networking sites.

D) The billboard industry brags about the partnership between digital billboards and law enforcement. Yet in one article furnished to us, I noted that the service provided by Lamar to Janesville, WI, had a condition attached: the company had to have a slot available for law enforcement to use. This raises a question. If the proposed digital billboards are "sold out", will our local law enforcement then have to compensate the billboard company for lost revenue in order to have something advertised?

E) Based on the many messages received, public opinion in Durham is adamantly against the proposed text amendment.

Ms. Brown. I support staff's recommendation of denial.

I believe our current ordinance is working well for Durham. Citizens of Durham agree. The Durham Convention and Visitor Bureau conducted a survey in August 2009, **72% supported** our current ordinance.

I have received hundreds of emails and calls on this item. **Not one person** asked me to support a change in our current ordinance.

We don't need any more driver distractions to go with cell phones and texting.

I voted denial.

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Mr. Davis. I would like to vote approval of the change Text Amendment based on the additional comments and recommendations to better the text amendment.

Ms. Jacobs. I am opposed to adoption of the proposed text amendment concerning billboards in Durham because there will be no benefit to Durham as a result of these changes and the current billboard ordinance is functioning well to meet its intended goal.

- There is no economic benefit to Durham to change the current ordinance/adopt proposed changes. The economic benefit is purely for the billboard industry: Digital billboards will bring in 7-14 times the revenue that current billboards do and we will still reap minimal tax revenue (\$60,000 total per year) while the billboard industry can expect the average of \$168,000 in income per year, per sign. This is clearly the reason why Fairview is pushing for changes to the current ordinance.
- In addition, if these new digital billboards worth millions of dollars are put into place, it will be an incredible financial hardship on Durham to compensate the billboard companies if one of them has to be removed due to circumstances such as a DOT road widening (and we are expecting this with the East End Connector and Alston Ave. road widening). This is a huge cost that Durham citizens can surely not afford at this time or in the future.
- This text amendment, based on the pretext that digital technology calls for a reexamination of the existing ordinance, is also clearly an attempt for Fairview to fight the fact that the ordinance is working. According to the staff report we have half as many billboards as we did 20 years ago and many that exist in Durham are clearly on their way out. If the proposed changes are made, companies will get to replace their billboards with metal polls and new, resilient materials. Thanks to their upgrading, plus the cost Durham would have to incur to compensate owners for removed billboards, Durham would virtually never be able to get rid of the remaining billboards that we have.
- As clearly stated in the staff report on page 14, Response 2: the goal of the Durham billboard ordinance is to prevent new billboards and gradually diminish the number of billboards in Durham. The current ordinance is meeting this goal and unless this goal changes, the ordinance should not change.
- As also stated on the top of page 3 of the staff report, Durham's ordinance in the area of both on-premise and off-premise signs has improved Durham's overall appearance greatly in recent years. When you have driven through a community that obviously has no sign ordinance and are bombarded with a multitude of roadside signs of various shapes and sizes, you immediately appreciate the importance of a good sign ordinance for the overall public impression and beauty of a city or town.
- Changes in the ordinance would also open up Durham to the risk of numerous types of litigation involving different aspects of the proposed changes. Considering that we have already invested more than \$1 million of public funds in billboard litigation issues and we are facing a multitude of City and County budget deficits, we do not want to open ourselves up to the risk of this type of financial cost.
- The citizens of Durham have clearly spoken. They do not want changes to the current ordinance. They do not want digital billboards. This is an aesthetic, public safety, and quality of life issue. Digital billboards would be visible from hundreds of citizen's bedroom windows who live in neighborhoods within view of NC 147, US 15-501

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business and US 70 business and even I-85. Digital billboards emit a type of light and visual impact that is a totally different animal than our static billboards illuminated by spotlights at night. Eleven states have completely banned them. Lots of major cities as well. Other communities that have them are now spending a lot of public resources trying to get rid of them.

- Billboards are a dying industry. They are a dinosaur in the days of computer and cell phone linked product and customer specific marketing. The industry does not employ many people. And, as anyone who has looked at a Dollhouse billboard with their questioning young child in the car knows, unlike filters we can put on our TV or computer or our ability to change the radio dial, we cannot control what an advertiser pays to put on a billboard in our community. This is an issue of private companies being able to control the public realm of our community. The carrot of offering to help with public safety alerts and community organizations is a ruse. We have our digital public alert messages that are delivered in a safe manner. Digital billboards are designed to capture the driver's attention at a time when throughout the country, efforts are being made to restrict dangerous driving distractions such as self phone or text messaging use.

No changes should be made to our current billboard ordinance due to the negative financial, aesthetic, safety and quality of life consequences of these proposed modifications.

Ms. Mitchell-Allen. I voted to deny. There as a significant amount of public opinion against the proposed text amendment. However, I do not believe that the public was aware of the facts. The public has the belief that the text amendment would increase the number of billboards. That is not the case. The public is also of the opinion that digital sign omit light as bright as the sun which is also not the case. While the applicants suggest having the best intentions as they want to upgrade current dilapidated signs, landscape around billboards, and move billboards out of residential areas, they have not done a good job of selling the idea to the public. I believe that if they had set up various forums and invited the public, there may have been an opportunity to work out a compromise amendable to all. While I support the applicant's efforts and intentions, I cannot support the motion to approve as I believe another version of the proposed text amendment is needed that would take in the account of concerned citizens of Durham.

Mr. Moffitt. Staff has written a through, thoughtful report. I support the recommendation to leave out billboard ordinance as it is. Billboard regulations should not be written by the billboard industry.

Mr. Monds. I voted to keep current ordinance as is.

Ms. Smith. I did not recommend that the City or County adopt this text amendment. The staff, who recommends denial, has put together a well-researched analysis that covers the arguments and especially the legal hazards of this particular change in ordinance. Other communities have written much more restrictive ordinances and those restrictions as listed in the staff report in Section 11: Tradeoffs, Specific Locations, Sunset Provisions, Financial Assistance, Carbon Neutral should be evaluated and some of them incorporated if an ordinance allowing digital

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billboards is adopted. For instance, Charlotte, cited by the applicant, restricts digital billboards to interstate highways.

Although I do not support this ordinance as written, it must be noted that digital advertising can be an important source of revenue for a community. Besides its other considerable flaws, this amendment as written does not take that into account. In fact it "gives away the farm." Other municipalities have created ways of earning significant sums from the electronic billboard in the form of: rental charges, one-time building fees, leases, percentages of revenue streams, percentages of revenue streams over a certain amount, compensation for NOT running public service ads. These communities have chosen to participate in the much increased revenue streams of digital signage. Think of it this way, in order for an artist to have his work viewed by the eyes of the art world, that work has to appear in a certain kind of space. In order for an artist to obtain revenues from his art, he must pay the owner of that space a commission. The billboard company wants access to the eyes of the Durham community and by the same logic they should be charged for that access. They should be charged a lot.

In the following examples I use \$14,000 per month as the projected revenue stream for one face of a digital billboard. This figure was gleaned from the website of Lamar <http://www.lamaroutdoor.com/StateRates.aspx?State=NC> and Inc., magazine. <http://www.inc.com/magazine/20080301/bright-lights-big-impact.html#>

GLENDALE, ARIZONA

Glendale's contract with American Outdoor Advertising LLC provides the following revenue streams to the city:

- \$10,000 per sign monthly rental fee.
- Initial \$500,000 onetime payment per sign.
- 33 percent of revenue in excess of \$120,000.
- 15 percent referral payment for referring advertisers.

City of Glendale, Arizona

Were we to use Glendale's plan for 22 billboards (faces), this is what we would earn.

22 billboards (faces) @ \$14,000/month = \$308,000/month x 12 months = \$3,696,000

-\$120,000 = \$3,576,000 x .33 =

\$1,180,080/year from ad revenue

+ 11 billboards (sign only) rent @ \$10, 000/ mo = \$110,000/mo x 12 = \$1,320,000/year total

\$2,500,080/year total revenue for community (this doesn't include the onetime fee or the 15% referral revenues)

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CORONA, CALIFORNIA

"An agreement approved last year eventually will give Corona 12 percent of ad revenue generated by digital billboards. The agreement also allows the city to place public-service announcements on the billboards or, instead, receive \$40,000 per year per billboard side. It permits Lamar to put up two more billboards, each with two digital faces.

Corona declined the option of putting announcements on the boards for the first two years and instead elected to receive \$480,000, the equivalent of \$40,000 per side for three billboards for two years. Lamar declined to say how much advertising revenue the billboard generates."

The Press-Enterprise, www.pe.com

Using Corona's schedule for 22 billboard faces and estimating \$14,000/mo revenue stream:

22 billboards (faces) @ \$14,000/month=\$308,000/month x 12 months= \$3,696,000 x .12 =
\$443,000/year revenue to community

add to this money from no community service ads 22 billboards x \$40,000 =

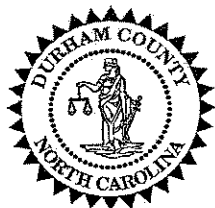
\$1,323,520 total revenue/year to community

If you want to defy the wishes of your constituents who in my opinion have a right to determine the look of their community, my advice is to go back to the drawing board and incorporate some of the items in Section 11 and figure out the best revenue flow you can generate from any digital signage. Don't be a patsy to this industry. If you change our billboard law you will need a good rationale when election time rolls around.

Mr. Womack. I think the current billboard ordinance has worked well for the citizens of Durham. For this reason, I am opposed to the proposed change.

Ms. Beechwood. Based on the overwhelming response from the public, the applicant failed to make the case for changing our current ordinance. I voted to deny approval.

However, I have no doubt that the city will continue to see pressure to allow both on and off premise digital signs. We may want to take this time while we have in place what is essentially a moratorium to further investigate a few points this case raises. The staff report on this subject was exceptionally thorough, and I appreciated the grounding it offered on this complex subject. We might want to consider adopting the new MUTCD standards being set by the FHWA, and investigate the more favorable compensation arrangements other municipalities have worked out with billboard companies.



**COUNTY OF DURHAM, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS
Agenda Action Form**

ITEM: Public Hearing to Consider Allocating Economic Development Investment Funds to Cree

DATE OF BOCC MEETING: September 13, 2010

REQUEST FOR BOARD ACTION:

The Board is requested to hold a public hearing to consider allocating economic development investment funds to Cree, a leading developer and manufacturer of LED lighting, and semiconductor solutions for wireless and power applications. Cree's products are used in backlighting for electronics and vehicles, general illumination, electronic signs and signals, variable speed motors and wireless communications. The company is dedicated to designing and producing products which are energy efficient and environmentally friendly.

Cree, a homegrown Durham company since 1987, operates in a highly competitive global market driven by rapidly changing technology, short product life and a competitive pricing environment. Currently Cree is evaluating a substantial investment in a new production line to launch a new generation LED chip. Cree is considering several locations for the project, including China, Malaysia, and Durham. The capital investment for this project is expected to be approximately \$392 million, with \$135 million dedicated to machinery for the new production line. Cree would also create 244 new jobs in Durham by the end of 2013 to operate the production center. Company officials have stated that incentives from the local government are a key consideration in its final decision on locating the expansion, particularly in light of the cost of labor in the overseas market.

Staff is recommending that the county participate in this economic development project by providing up to two million (\$2,000,000.00) for the \$392 million project. Eight hundred and twenty five thousand (\$825,000) of those funds would be reserved to pay for training expenses of new employees hired who are Durham residents. Funds would be furnished over a seven year period through an economic development incentive fund performance contract.

This public hearing was advertised on Friday, September 3, 2010 as required by law.

RESOURCE PERSONS: Carolyn P. Titus, Deputy County Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board hold the public hearing, and based upon the information received; approve entering into an economic development incentive contract between the County of Durham and Cree in the maximum amount of \$2,000,000.

County Manager: *William M. Reagin*

	Motion	Yes	No
() Approved	Bowser	_____	_____
() Denied	Heron	_____	_____
	Howerton	_____	_____
	Page	_____	_____
	Reckhow	_____	_____